

The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	7.2
Report No	HLB/045/23

Application for the grant of a premises licence under the Licensing (Scotland) Act 2005

Invercassley Tearooms Ltd, Invercassley Farm, by Lairg IV27 4BD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Invercassley Tearooms Ltd, Invercassley Farm, by Lairg, IV27 4BD

1.0 Description of premises

1.1 Invercassley Tearooms Ltd is a detached standalone property sitting in its own ½ acre site in the centre of Rosehall. The premises will offer a tearoom bistro and bar with gift shop. This will be a hybrid type premises offering full meals etc. There will be no vertical drinking before 2000 hrs with on sales available to seated customers, with the bar offering off sales during opening hours.

The building is situated adjacent to the A837 separated by a drystone wall.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hrs

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1200 hours to 2200 hours

3.0 Background

3.1 On 7 March 2023 the Licensing Board received an application for the grant of a premises licence from Invercassley Tearooms Ltd.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

- 3.2 The application was publicised during the period 20 March 2023 until 10 April 2023 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

[Highland Licensing Board - Hearings](#)

4.0 Legislation

- 4.1 The Licensing Board must, in considering and determining the application, consider whether any grounds of refusal apply and, if none of them applies, the Board must grant the application.

Relevant grounds of refusal are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. that having regard to;
 - (i) the nature of the activities proposed to be carried on in the subject premises,
 - (ii) the location character and condition of the premises, and
 - (iii) the persons likely to frequent the premises,the Board considers the premises are unsuitable for use for the sale of alcohol, or
5. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.

4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) The property known as Invercassley Tearooms is a detached property which had previously been used as a village shop. The property is situated near the centre of the village of Rosehall, Sutherland adjacent to the A837 Lairg to Lochinver public road.
- (ii) The property sits within its own grounds with a sizeable outside area extending around the entire property.
- (iii) The application is to allow for the provision of alcohol by both on and off sales. There is a cafe and separate bar area for dining and provision of alcohol. This will offer alcohol for sale in a hybrid manner being primarily a café bar during daytime reverting to more of a bistro bar in the evenings. There is also an outdoor area, some of which may be used periodically for a marquee to host small weddings etc.
- (iv) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (v) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (vi) The layout plan submitted complies with the required specifications.
- (vii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (viii) During the period of public consultation, no objections were received.
- (ix) I have no objection to this application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

7.0 Conditions

Mandatory conditions

7.1 If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

7.2 **Local conditions**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the schedule of local conditions:

(m) After 2200hrs alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area.

(o) The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.

7.3 **Special conditions**

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition(s) detailed at para.7.2 above.

If the Board is minded to refuse the application, the Board must specify the ground for refusal and, if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/CSR/1989

Date: 19 April 2023

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005/Application Form.