

The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	8.6
Report No	HLB/057/23

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

The Anchorage, Harbour Road, Scourie, IV27 4TE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Angus Mackenzie & Valerie Mackenzie.

1.0 Description of premises

1.1 The premises are a single storey detached bar and restaurant situated within caravan site in Scourie.

2.0 Summary of variation application

2.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

- (1) Amend description of the premises for the addition of convenience store.
- (2) Amend on and off sales hours on Sunday.
- (3) Reduce off sales capacity.
- (4) Amend layout plan.
- (5) Amend other activities and services.
- (6) Amend children and young persons policy.
- (7) Change of premises manager.

3.0 Background

3.1 On 8 March 2023 the Licensing Board received an application for a major variation of a premises licence from Angus Mackenzie & Valerie Mackenzie.

3.2 The application was publicised during the period Monday 20 March until

Monday 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 attend a meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

www.highland.gov.uk/hlb_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 may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;
3. 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 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.3 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

4.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

5.2 The property known as The Anchorage is a long-established licensed premises on Harbour Road, Scourie. It is situated within the Scourie Camping and Caravanning Park.

5.3 This application is to change the use of the current restaurant area to a convenience store area with off sales. The application also updates the children and young persons policy, amends the on and off sales hours and activities within the premises.

5.4 The premises have operated for many years without adverse comment.

5.5 The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.

5.6 The children's and young persons policy is appropriate.

5.7 The layout plan submitted complies with the required specifications.

5.8 There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

5.9 During the period of public consultation, no objections were received.

5.10 There are ongoing separate details to be finalised with Building Standards, under legislation separate to that of Licensing.

5.11 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

7.1 Mandatory conditions

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

7.2 Local conditions

It is recommended that the following additional local condition(s) be attached

(l) The boundaries of any outdoor area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.

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

(n)(i) No live or recorded music shall be played in any outdoor drinking 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. A7.2 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/0940

Date: 20 April 2023

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005