

The Highland Licensing Board

Meeting – 20 June 2023

Agenda Item	10.1
Report No	HLB/067/23

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

Aultbea Hotel, Aultbea, Achnasheen

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a provisional premises licence in respect of Aultbea Hotel, Aultbea, Achnasheen.

1.0 Description of premises

1.1 Aultbea Hotel is a detached hotel in private grounds, on the shores of Loch Ewe. It comprises 8 bedrooms, a public bar which will also serve meals, a restaurant and beer garden.

2.0 Operating hours

2.1 The applicant seeks the following hours:

On sales:

Monday to Sunday: 1100 hrs to 0100 hrs

Off sales:

Monday to Sunday: 1100 hrs to 2200 hrs

3.0 Background

3.1 On 2 May 2023 the Licensing Board received an application for the grant of a provisional premises licence from Martin Donnelly Morag Barton t/a Aultbea Hotel.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.3 The application was publicised during the period from 5 to 26 May 2023 and confirmation that the site notice was displayed is awaited.

- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process no timeous objections or representations have been received.
- 3.7 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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.
- 4.2 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.

4.3 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.

4.4 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:-

- a) The property known as Aultbea Hotel is a detached property set in its own grounds at Aultbea, Wester Ross. This property operated as a hotel with bars until approximately 2019 when it closed and had premises licence revoked due to non-payment of annual fee.
- b) The application is to allow for the grant of a Premises Licence to allow for the On and Off sale of alcohol to patrons of the premises. The premises provides full bar facilities, restaurant, residents lounge and accommodation as well as an outdoor hospitality area.
- c) The core hours applied for are within the policy of the Highland Licensing Board.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- f) The layout plan submitted complies with the required specifications.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of public consultation, no objections were received.
- i) 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

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

- m. After 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed 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.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions 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/2060

Date: 6 June 2023

Author: G Sutherland

The Highland Licensing Board

Meeting – 20 June 2023

Agenda Item	10.2
Report No	HLB/068/23

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

Valhalla, 134 High Street, Wick

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a provisional premises licence in respect of Valhalla, 134 High Street, Wick.

1.0 Description of premises

1.1 These premises are a restaurant/bar in the centre of Wick offering table service for food and alcohol on sales, as well as vertical service at the bar. These premises are on the ground floor, of a three storey building.

2.0 Operating hours

2.1 The applicant seeks the following hours:

On sales:

Monday to Sunday: 1100 hrs to 0100 hrs

3.0 Background

3.1 On 11 May 2023 the Licensing Board received an application for the grant of a provisional premises licence from AMS Valhalla Ltd.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning and Building Standards together with a Disabled Access Statement.

3.3 The application was publicised during the period from 12 May to 2 June 2023 and confirmation that the site notice was displayed has been received.

3.4 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.

- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process no timeous objections or representations have been received.
- 3.7 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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.

4.2 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.

4.3 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.

4.4 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:-

- a) The property known as Valhalla is a terraced building, on the ground floor of a three-storey building, on the High Street, Wick. The first and second floors of the building are private flats.
- b) The application is to allow for the grant of a provisional Premises Licence to allow for the On sale of alcohol to customers of the premises, by table service as well as vertical drinking at the bar. The premises will be run as a restaurant and bar.
- c) The core hours applied for are within the policy of the Highland Licensing Board.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- f) The layout plan submitted complies with the required specifications.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of public consultation, no objections were received.
- i) 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

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

- k. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.
- m. After 2100 hrs, alcoholic or non-alcoholic drinks shall not be consumed 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 Late opening local conditions

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the late opening local conditions:

- 1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of:
 - (a) the time at which the premises next close; and
 - (b) 0500 hrs.
- 2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day when the premises are open at 0100 hrs) until whichever is the earlier of:-
 - (a) the time at which the premises next close, and
 - (b) 0500 hrs.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para 7.2 and 7.3 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/2061

Date: 6 June 2023

Author: G Sutherland