

## The Highland Licensing Board

Meeting – 20 June 2023

<b>Agenda Item</b>	<b>11.1</b>
<b>Report No</b>	<b>HLB/069/23</b>

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

**Coylumbridge Hotel, Aviemore - 350**

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Britannia Hotels Ltd, Halecroft, 253 Hale Road, Hale, Cheshire, WA15 8RE.

#### 1.0 Description of premises

1.1 Coylumbridge is a luxurious 4 star hotel situated in its own grounds, 4.5 km from Aviemore Centre. Coylumbridge Hotel consists of 292 bedrooms, 2 restaurants, function suite and swimming pools.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Saturday: 1100 hours to 0100 hrs  
Sunday: 1230 hours to 0100 hrs

##### Off sales:

Monday to Saturday: 1000 hours to 2200 hours  
Sunday: 1230 hours to 2200 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- (1) On sales to commence at 11.00 hrs on Sundays.
- (2) Off sales to commence at 10.00 hrs on Sundays.

- (3) Addition of 117 bedrooms between Main Hotel and Courtyard area.
- (4) Inclusion of new extension opposite Restaurant.
- (5) Inclusion of new link corridor between Main Hotel and Courtyard.
- (6) Amendment to premises description to read: 'The premises operates as a hotel on 3 levels. The building stands in its own grounds. There are 292 bedrooms, 2 restaurants, lounge area, function suite, swimming pools with changing facilities and a children's play barn/activity centre. 24-hour room service is available for hotel residents. Guests in the lodge can also be served alcohol from the hotel.'

## **4.0 Background**

- 4.1 On 20 April 2023 the Licensing Board received an application for a major variation of a premises licence from Britannia Hotels Ltd.
- 4.2 The application was publicised during the period 3 May until 24 May and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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:

[www.highland.gov.uk/hlb\\_hearings](http://www.highland.gov.uk/hlb_hearings)

## **5.0 Legislation**

- 5.1 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.

5.2 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.

5.3 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.

5.4 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

(i) The Coylumbridge Hotel is a large family friendly hotel on the outskirts of Aviemore. It has held an alcohol premises licence since 2009. The operating history has been incident free.

(ii) Compliance visits made by the LSO have shown good standards of diligence in respect of the requirements of the Licensing (Scotland) Act 2005.

(iii) Application has been made to alter the Sunday opening hours to allow "on" sales from 1100 hours and "off" sales from 1000 hours. Such amendment complies with Board policy hours.

(iv) In addition, the hotel wishes to increase its accommodation by 117 bedrooms, such a variation is no threat to the 5 licensing objectives. The description within the premises licence has been amended to reflect this change.

(v) During the public consultation phase of the application no objections or representations were submitted to the Board.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

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

## **8.0 Conditions**

### **8.1 Mandatory conditions**

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

### **8.2 Local conditions**

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

### **8.3 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 conditions detailed at para. 8.2 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/INBS/350

Date: 29 May 2023

Author: Marjory Bain

**The Highland Licensing Board**

**Meeting – 20 June 2023**

<b>Agenda Item</b>	<b>11.2</b>
<b>Report No</b>	<b>HLB/070/23</b>

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

**Hootananny, 67 Church Street, Inverness**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Earnpark Ltd, 4 Knockbain, Kirkhill, Inverness, IV5 7PL.

**1.0 Description of premises**

1.1 Hootananny is situated in Church Street (Inverness City Centre). The bar is on the ground floor of a three story building and has a dedicated dance floor area and outdoor drinking facilities.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Sunday: 1100 hours to 0300 hours

**Off sales:**

Monday to Sunday. 1000 hours to 2200 hours

**3.0 Summary of variation application**

**3.1 Variation sought**

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

(1) Amend core licensing hours for on sales Sunday-Wednesday: 11.00-01.00 hrs and Thursday-Saturday: 11.00-02.00 hrs.

(2) Amend children and young persons policy to read 'Children may access the premises until 22.00 hrs provided they are accompanied by a responsible adult.'

Young persons may access the premises unaccompanied until 22.00 hrs for the purpose of meals and non-alcoholic refreshment at management discretion. From 22.00 hrs they require to be accompanied by an adult.

For private events children and young persons may be permitted for the duration of the event at management discretion.'

(3) Amend capacity Section 7 to show only capacity for Hootanny Bar as 220. No dedicated off sales display.

(4) Amend layout plans of premises to show ground floor only with new mezzanine floor area. Outside drinking area accessed from bar.

(5) Change of description to read: 'Hootananny is a bar situated on the ground floor of a three storey building in Church Street, Inverness.

The bar area has a dedicated raised area at its front window for accommodating live musicians which form a regular feature of the bar's operation. From 21.30 hrs a dedicated dance floor area is cleared to allow dancing directly in front of the raised area.

The bar is fitted with CCTV.

A mezzanine floor provides extra seating capacity.

An outdoor drinking area is situated at the rear of the premises and is accessed from the bar.

Full toilet and kitchen facilities are also provided.

## **4.0 Background**

4.1 On 14 April 2023 the Licensing Board received an application for a major variation of a premises licence from Earnpark Ltd.

4.2 The application was publicised during the period 3 May until 24 May 2023 and confirmation that the site notice was displayed has been received.

4.3 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.

4.4 Notification of the application was also sent to NHS Highland and the local Community Council.

- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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:

[www.highland.gov.uk/hlb\\_hearings](http://www.highland.gov.uk/hlb_hearings)

## **5.0 Legislation**

- 5.1 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.

- 5.2 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.

- 5.3 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.

- 5.4 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.

## **6.0 Licensing Standards Officer**

### **6.1 The LSO has provided the following comments:-**

(i) Hootananny is a well established licensed premises situated within the city centre of Inverness. A premises licence has been held since 2009.

(ii) The premises are well run and compliant with all aspects of alcohol licensing.

(iii) Previously the premises have operated on three stories, with the upper two levels being reserved for late hours operation, specialising in live musical entertainment. The operators have now decided to cease using the upper two stories for licensed usage and alterations have commenced to convert them to accommodation. Accordingly, the licensed premises will now comprise solely the ground floor bar area and seating, complete with a mezzanine floor; there is also an outside drinking area accessed via the bar area.

(iv) Within this ground floor area, is a dedicated stage area for live entertainment and a small dance floor, thereby still qualifying the premises for late hours . Application has been made to provide core on sale hours Sunday to Wednesday of 11.00-01.00hrs; Thursday to Saturday: 1100 -0200 hours.

(v) The children and young persons policy has been amended to allow children access until 2200 hours with a suitable adult. Young persons at management discretion may enter the premises between 1100 and 2200 hours unaccompanied, after which time, they may only access the premises with an accompanying adult. For private functions, children and young persons may access the premises with a suitable adult for the duration of the function, at management discretion. The LSO considers such variation of the children and young persons policy to accord with the fourth licensing objective .

(vi) The LSO has visited the premises during enquiry into this variation and affirms the premises can comply with all aspects of the late hours mandatory and local licensing conditions.

(vi) Revised layout plans of suitable quality have accompanied the application, showing the revised layout. The description of the premises has been updated to reflect the new layout and operation.

(viii) During the public consultation phase of the application no objections or representations have been received by the Board.

## **7.0 HLB local policies**

### **7.1 The following policies are relevant to the application:-**

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



## **8.0 Conditions**

### **8.1 Mandatory conditions**

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

### **8.2 Local conditions**

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

### **8.3 Special conditions**

Existing special conditions will continue to apply and no additional 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/special conditions detailed at paras. 8.2 and 8.3 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/INBS/276  
Date: 29 May 2023  
Author: Marjory Bain

**The Highland Licensing Board**

**Meeting – 20 June 2023**

<b>Agenda Item</b>	<b>11.3</b>
<b>Report No</b>	<b>HLB/071/23</b>

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

**Dornoch Castle Hotel, Castle Street, Dornoch, IV25 3SD**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Dornoch Castle Hotel Ltd

**1.0 Description of premises**

1.1

The premises are a mixed use premises as follows:- Dornoch Castle Hotel is the former Bishops Palace, converted and extended into a hotel, restaurant, bar, function room and ancillary public and service areas to include weddings, family gatherings, conferences, private meetings as well as provision of accommodation, dining and drinking facilities. Centrally located in Dornoch on Castle Street, opposite Dornoch Cathedral, adjacent to the Sheriff Court. Staff accommodation is provided within the building for up to 6 live in staff.

**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
- (2) Increase on sale hours from 1100 hrs to 0100 hrs each day.
- (3) Sunday off sale hours to commence at 1100 hrs.
- (4) Amend seasonal variation section.
- (5) Provision of televised sport outwith core hours.
- (6) Amend other activities to include whisky tastings, annual whisky festival, catering van providing hot food within the existing licensed area and marquee within the garden to host receptions including weddings and funerals which may take place prior to and outwith core hours. Bar meals, alfresco dining and outdoor drinking facilities may take place outwith core hours, or prior to commencement of licensed hours.
- (7) Amend children and young person's policy.

### **3.0 Background**

- 3.1 On 2 May 2023 the Licensing Board received an application for a major variation of a premises licence from Dornoch Castle Hotel Ltd.
- 3.2 The application was publicised during the period Monday 8 May until Monday 29 May 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](http://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 Dornoch Castle Hotel is a detached, historical property located in the Square, Dornoch, Sutherland.

5.3 The application is to vary the premises licence to allow for the increase in licensing footprint, and increase in services provided, the full details are noted elsewhere in this report.

5.4 The core hours applied for are within the policy of the Highland Licensing Board.

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

5.6 The children's policy is considered suitable and is within the policy of the Highland Licensing Board.

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

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

5.9 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**

Existing local conditions will continue to apply.

### **7.3 Special conditions**

No special conditions are considered necessary.

## **Recommendation**

The Board is invited to determine the above application.

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/0843

Date: 1 June 2023

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005

**The Highland Licensing Board**

**Meeting – 20 June 2023**

<b>Agenda Item</b>	<b>11.4</b>
<b>Report No</b>	<b>HLB/072/23</b>

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

**Carron Restaurant, Strathcarron**

**Report by the Clerk to the Licensing Board**

### **Summary**

This report relates to an application for a major variation of premises licence by Mary Clare McGale in respect of Carron Restaurant, Strathcarron.

## **1.0 Description of premises**

1.1 The premises are a single storey, detached, 48 cover restaurant and coffee lounge with a small retail section for wines, beers and spirits and other specialist products. There is an outdoor drinking area with tables to the front of the premises. There is no bar counter on the premises and sales of alcohol are not restricted to persons taking table meals on the premises. The premises licence was granted on conversion on 1 September 2009.

## **2.0 Current operating hours**

2.1 The premises currently has the following operating hours:

### **On sales:**

Monday to Sunday: 1100 hrs to 0100 hrs

### **Off sales:**

Monday to Sunday: 1000 hrs to 2200 hrs

## **3.0 Summary of variation application**

### **3.1 Variation sought**

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

- 1) amend premises layout plan to include new retail/off sales area and increase the external seating area;
- 2) add off sales display capacity;
- 3) add to other activities to be provided – home delivery, coach groups, takeaway food and internet/website sales;

- 4) update children and young persons policy.

## **4.0 Background**

- 4.1 On 3 May 2023 the Licensing Board received an application for a major variation of a premises licence from Mary Clare McGale.
- 4.2 The application was publicised during the period 12 May to 2 June 2023 and confirmation that the site notice was displayed is awaited.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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:

[https://www.highland.gov.uk/downloads/file/6399/licensing\\_hearings\\_procedure/licensing\\_board](https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board)

## **5.0 Legislation**

- 5.1 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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

- 1) The property known as Carron Restaurant is a detached property sitting in its own grounds, near Invercarron, Achnasheen, Wester Ross.
- 2) The application is to allow for the variation of Premises Licence to allow for the increase in licensing footprint, and increase in services provided, the full details are noted elsewhere in this report.
- 3) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- 4) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- 5) The layout plan submitted complies with the required specifications.
- 6) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- 7) During the period of public consultation, no objections were received.
- 8) I have no objection to this application.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

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

## **8.0 Conditions**

### **8.1 Mandatory conditions**

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



## 8.2 Local conditions

Existing local conditions will continue to apply and it is recommended that the following additional local conditions be attached:

- 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.

## 8.3 Special condition

It is recommended that the existing special condition below be removed:-

- 1. In respect of the extended part of the premises referred to as the coffee lounge, this varied licence shall not take effect and members of the public shall not be permitted into the coffee lounge until any notice of the grant of a completion certificate required to be issued by Highland Council Building Standards has been submitted to Highland Licensing Board.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed additional local conditions detailed at para 8.2 above and removal of the special condition detailed at para 8.3.

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/1005  
Date: 6 June 2023  
Author: G Sutherland

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

## The Highland Licensing Board

Meeting – 20 June 2023

<b>Agenda Item</b>	<b>11.5</b>
<b>Report No</b>	<b>HLB/073/23</b>

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

Loch Torridon Community Centre, Torridon

Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Torridon District Community Association in respect of Loch Torridon Community Centre, Torridon.

#### 1.0 Description of premises

1.1 Torridon Community Centre consists of main hall, kitchen and food preparation room, function room with bar hatch to small kitchen/bar, reception area, fitness room, mezzanine floor, conference room and two store/offices. There is an outside seating area at the front of the building accessible from the function room. The premises licence was granted on 2 August 2011.

#### 2.0 Current operating hours

2.1 The premises currently has the following operating hours:

##### On sales:

Monday to Friday: 1200 hrs to 2300 hrs  
Saturday: 1200 hrs to 2400 hrs

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- 1) increase the on sales hours to commence at 1100 hrs and terminate at 0100 hrs daily;
- 2) add off sales with daily hours of 1000 hrs to 2200 hrs;
- 3) add cafe to list of additional services provided;
- 4) amend layout plan of premises due to updated use of rooms and add off-sales area;
- 5) update description of premises;
- 6) remove seasonal variation;

- 7) update children and young person policy;
- 8) increase on sales capacity and add off sales capacity.

#### **4.0 Background**

- 4.1 On 1 May 2023 the Licensing Board received an application for a major variation of a premises licence from Torridon District Community Association.
- 4.2 The application was publicised during the period 5 to 26 May 2023 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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:

[https://www.highland.gov.uk/downloads/file/6399/licensing\\_hearings\\_procedure/licensing\\_board](https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board)

#### **5.0 Legislation**

- 5.1 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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

- a) The property known as The Torridon Centre is a detached purpose built property sitting in its own grounds, in Loch Torridon, Wester Ross.
- b) The application is to allow for the variation of Premises Licence to allow for the increase in licensing footprint, and increase in services provided, the full details are noted elsewhere in this report.
- 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.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

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

## **8.0 Conditions**

### **8.1 Mandatory conditions**

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

### **8.2 Local conditions**

Existing local conditions will continue to apply and it is recommended that the following additional local condition be attached:

- 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 additional local condition detailed at para 8.2 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/1580

Date: 6 June 2023

Author: G Sutherland

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