

## The Highland Licensing Board

Meeting – 24 October 2023

Agenda Item	7.3
Report No	HLB/113/23

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

Acarsaid B&B, Lybster Mains, Lybster

#### 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 Acarsaid B&B, Lybster Mains, Lybster.

#### 1.0 Description of premises

1.1 Acarsaid B&B is a custom-built guesthouse on the periphery of Lybster, set over two floors. Guest accommodation is on the bottom floor and includes private guest access, hallway, guest lounge, dining room, four ensuite bedrooms and a main bathroom. Alcohol will be for sale for residents and pre-booked non-residents.

#### 2.0 Operating hours

2.1 The applicant seeks the following hours:

**On sales:**

Monday to Sunday: 1100 hrs to 2300 hrs

**Off sales:**

Monday to Sunday: 1000 hrs to 2200 hrs

#### 3.0 Background

3.1 On 29 August 2023 the Licensing Board received an application for the grant of a premises licence from Acarsaid B&B.

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

- 3.3 The application was publicised during the period from 30 August to 20 September 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. The Community Council has expressed their support for this application.
- 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](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 is situated in a rural location, adjacent to the A99 Latheron to Wick public road on the outskirts of the village of Lybster, Caithness.
- b) The property known as Acarsaid Bed and Breakfast is comprised of a detached double storey building which has four letting bedrooms, a resident's lounge and dining room. There are also outside hospitality areas. The property sits in one acre of its own grounds.
- c) The premises will offer alcohol for On sales as well as Off Sales. On Sales will only be served to residents and pre booked non-residents in the identified areas, there will be no bar area and no vertical drinking. Off Sales will be taken from stock.
- 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.

#### **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/2084  
Date: 3 October 2023  
Author: G Sutherland