

The Highland Licensing Board

Meeting – 24 October 2023

Agenda Item	9.7
Report No	HLB/121/23

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

Pool House, Poolewe, Achnasheen

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Peter L Harrison in respect of Pool House, Poolewe, Achnasheen.

1.0 Description of premises

1.1 Pool House is a detached property located in the village of Poolewe providing guest accommodation with reception room, drawing room, small dining room and billiard room. 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 Saturday: 1100 hrs to 2300 hrs

Sunday: 1230 hrs to 1430 hrs and 1830 hrs to 2300 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- 1) amend the premises licence to allow non-residents on the premises for on and off sales and meals;
- 2) update description on premises licence to take account of this;
- 3) amend on sales hours on Sunday to 1200 hrs to 2300 hrs;
- 4) add off sales with hours of Monday to Saturday 1100 hrs to 2200 hrs and Sunday 1200 hrs to 2200 hrs;
- 5) to activities/entertainment provided add bar meals and outdoor drinking during core hours and accommodation during and outwith core hours;
- 6) update licence with explanation for activities held outwith core hours and details of other activities provided;

- 7) amend layout plan to show outdoor drinking areas;
- 8) children and young persons to be permitted on premises and policy detailed;
- 9) increase on sales capacity.

4.0 Background

- 4.1 On 29 August 2023 the Licensing Board received an application for a major variation of a premises licence from Peter L Harrison.
- 4.2 The application was publicised during the period 1 to 22 September 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. The Community Council has expressed their support for the application.
- 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

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 historically known as Pool House is a long-established licensed premises, situated in the rural location of Poolewe, Achnasheen, Wester Ross. The property sits in approximately one acre of grounds and includes self-catering properties within the garden grounds.
- b) This application is to extend the current activities offered by the premises including the reinstatement of access to the licensed premises by non-residents. The full detail of the variation is described in detail elsewhere in the report.
- c) The premises have operated for many years without adverse comment.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The Children's and Young Persons policy is appropriate.
- 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 would also suggest addition of the conditions below in relation to the outdoor area.
- j) 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

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 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/1003
Date: 3 October 2023
Author: G Sutherland

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