

The Highland Licensing Board

Meeting – 9 January 2024

Agenda Item	7.5
Report No	HLB/09/24

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

Ardshealach Lodge, Acharacle, PH36 4JL

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Jill E Gosney, Ardshealach Lodge, Acharacle, PH36 4JL.

1.0 Description of premises

1.1 Ardshealach Lodge is located in the village of Acharacle and is a detached Victorian villa set in its own extensive grounds. The premises offers Bed & Breakfast accommodation which comprises of three ensuite bedrooms. The restaurant within the premises serves breakfast to residents and also offers evening meals to both residents and non-residents. A self-catering cottage which can accommodate 2 persons is located in the grounds of Ardshealach Lodge.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1200 hours to 2300 hours

Sunday: 1230 to 1430 and 1830 to 2300 hours

3.0 Summary of variation application

3.1 Variation sought

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

- **Operating plan:**

- 1) **Operating Hours:** (a) Update Sunday on-sales hours to 1200 hours to 2300 hrs (previously 1230 hrs to 1430 hrs and 1830 to 2300 hrs);

- 2) **Operating Plan Activities:** add restaurant facilities outwith core licensed hours; add music facilities both within and outwith core licensed hours;
- 3) **Any other activities:** add breakfasts are served prior to core opening hours within the dining room; music may be played outwith core licensed hours for the enjoyment of guests;
- 4) **Capacity:** increase from 26 persons to 32 persons (including Bluebell Cottage);
- 5) **Children's Policy:** Update children and young persons at paras 6(d) & (e) to distinguish between residents and non-residents;
- 6) **Change name of premises to:** Ardshealach Lodge & Bluebell Cottage.

- **Layout plan:**

Increase licensed footprint of premises to include first floor of premises and Bluebell Self-catering Cottage. (Current licensed area only includes G/F dining room and lounge areas within Ardshealach Lodge).

- **Description of premises:**

Update description of premises as follows:

Ardshealach Lodge is located in the village of Acharacle and is a detached Victorian villa set in its own extensive grounds. The premises offers Bed & Breakfast accommodation which comprises of three ensuite bedrooms. The restaurant within Ardshealach Lodge serves breakfast to residents and also offers evening meals to both residents and non-residents. Bluebell Cottage also forms part of the licensed premises and is a self-catering cottage located in the grounds of Ardshealach Lodge which can accommodate 2 persons.

4.0 Background

- 4.1 On 25 September 2023 the Licensing Board received an application for a major variation of a premises licence from Jill E Gosney.
- 4.2 The application was publicised during the period 22 November 2023 until 13 December 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

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:-

- 1) Ardshealach Lodge is located in the village of Acharacle and is a detached Victorian villa set in its own extensive grounds . The premises offers Bed & Breakfast accommodation with a restaurant within the Lodge which serves breakfast to residents and also offers evening meals to both residents and non-residents . Bluebell Cottage is a self catering cottage located in the grounds of Ardshealach Lodge which can accommodate 2 persons.
- 2) The application is within HLB policy.
- 3) The application is consistent with the licensing objectives.
- 4) The application is to “tidy up “ some aspects of the existing Premises Licence and reflect what is now required for the business operating model.
- 5) The business has been operating with a Premises Licence for many years with no adverse effect.
- 6) No objections or representations have been received in respect of the application.
- 7) The LSO does not consider any local or special conditions require to be applied to this application, the existing specific conditions to remain.
- 8) I have no objections to the 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

There are no existing local conditions and it is not considered necessary to attach any.

8.3 Specific conditions

The existing specific conditions will remain.

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/RSL/0429
Date: 14 December 2023
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