

The Highland Licensing Board

Meeting – 26 March 2024

Agenda Item	7.2
Report No	HLB/25/24

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

Taigh Sealladh Fèidh Guest House, Invergarry, PH35 4HT

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 Taigh Sealladh Fèidh Guest House, Invergarry, PH35 4HT.

1.0 Description of premises

1.1 Taigh Sealladh Fèidh Guest House is a detached four bedroom property situated in a rural area in Invergarry. The premises will operate as a guest house offering two letting bedrooms which can accommodate a maximum of four guests. Alcohol will be served on a 'residents only' basis.

The premises will also offer evening meals for residents only.

Guests will have access to their own en-suite bedroom; dining room and small guest lounge where alcohol will be served from.

The premises also offers an outdoor drinking area for resident guests.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

Monday to Sunday: 1200 hours to 2300 hours

3.0 Background

3.1 On 19 February 2024 the Licensing Board received an application for the grant of a premises licence from the Partnership of Daniel and Lucy Thornton.

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.

- 3.2 The application was publicised during the period 19 February to 11 March 2024 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 Highland Council 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 the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

[Highland Licensing Board - 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 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.

4.2 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 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:-

- (1) The premises comprises of a detached four bedroom property situated in a rural area and operated as a guest house with two letting bedrooms which accommodate a maximum of 4 guests;
- (2) The premises will also offer evening meals for residents only;
- (3) The premises will be on-sales for residents only. There is also a designated external drinking area which may be utilised for residents use;
- (4) The application is within Highland Licensing Board policy;
- (5) The application complies with the Licensing Objectives;
- (6) No objections have been received in respect of this application;
- (7) The Licensing Standards Officer has no objections to this application;
- (8) In the interest of good neighbour relations, the applicant is agreeable to the Local Condition mentioned below:

- Local Condition (M) to be applied to this application:-

After 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area. (Licensing Objective 3).

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(s) from the schedule of local conditions:

- (M): After 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area. (Licensing Objective 3).

7.3 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 condition 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/RSL/2106

Date: 13 March 2024

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