

## The Highland Licensing Board

Meeting – 26 March 2024

Agenda Item	7.5
Report No	HLB/28/24

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

Lochhourhead Tearoom and Courtyard, Kinlochourn, By Invergarry, PH35 4HD

### 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 Lochhourhead Tearoom and Courtyard, Kinlochourn, By Invergarry, PH35 4HD.

#### 1.0 Description of premises

1.1 Lochhourhead Tea Room and Courtyard is situated in a very remote location at the head of Loch Hourn on the Cape Wrath Trail and is accessed via a 22 mile single track road from Invergarry. The premises caters for residents of the adjoining bed and breakfast accommodation and passing trade. The adjacent bed and breakfast accommodation does not form part of the licensed premises.

The premises comprises of a small tea-room and external courtyard area and will offer alcohol for consumption on the premises only. Alcohol will be served from a servery within the premises and there will be no bar counter.

#### 2.0 Operating hours

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

Monday to Sunday: 1100 hours to 2300 hours

#### 3.0 Background

3.1 On 29 January 2024 the Licensing Board received an application for the grant of a premises licence from John David Gordon.

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) Lochhourhead Tearoom and Courtyard is located in Kinlochourn and caters for residents of the adjacent bed and breakfast and passing trade in a very remote area.
- (2) The application is for on-sales only and is open to non residents.
- (3) The premises comprises of a tearoom and external courtyard area, as shown identified on the layout plan which accompanied the application. The adjacent bed and breakfast accommodation does not form part of the licensed premises.
- (4) The application complies with the Licensing Objectives.
- (5) The application is within Highland Licensing Board policy.
- (6) No objections or representations have been received in respect of the application.
- (7) The premises are providing a service in a very remote area for residents of the adjacent bed and breakfast and passing trade.
- (8) The premises has operated on occasional licenses for the last year and there has been no issues.
- (9) The Licensing Standards Officer has no objections to this application.
- (10) It is not considered necessary to apply any extra conditions 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**

No local conditions are considered necessary.

### **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/RSL/2104  
Date: 13 March 2024  
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