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| **The Highland Licensing Board** | Agenda Item | 9.2 |
| **Meeting – 26 March 2024** | Report No | HLB/32/24 |

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

**Torlinnhe Guest House, Achintore Road, Fort William, PH33 6RW**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by the Partnership of Mark I Rossi & Larisa Mostovaya.

**1.0 Description of premises**

1.1 Torlinnhe Guest House is a two storey guest house situated on Achintore Road, Fort William overlooking Loch Linnhe and is approximately 1 mile from the town centre. The premises currently comprises of eight bedrooms and a guest dining room with a lounge area. The premises offers outdoor seating areas which overlook Loch Linnhe where guests can enjoy refreshments. Alcohol is served to residents only and dispensed from the kitchen area of the premises.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales only:**

Monday to Sunday:          1200 hours to 2300 hours

**3.0 Summary of variation application**

3.1 **Variation sought:**

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

(1)     Increase on-sale capacity of premises from 16 guests to 18 guests;

(2)     Extend footprint of licensed premises to include a self-catering pod;

(3)     Revise description of premises to include self-catering pod which can accommodate 2 guests.

**4.0 Background**

4.1 On 30 January 2024 the Licensing Board received an application for a major variation of a premises licence from the Partnership of Mark I Rossi & Larisa Mostovaya.

4.2 The application was publicised during the period 5 to 26 February 2024 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 Highland Council 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) Torlinnhe Guest House is a two storey 8 bedroom, traditional built guest house with a self-catering pod now forming part of the premises.

(2) The variation sought is to add the self-catering pod to the licensed footprint together with a small number of minor amendments to the Operating Plan to ensure the Premises Licence is updated appropriately.

(3) The Board are seeing an increase in these types of applications being presented for consideration given many existing premises now require to amend their Premises Licence to reflect what their business now offers.

(4) The application is within Highland Licensing Board policy.

(5) The application is compliant with the licensing objectives.

(6) No objections or representations have been received in connection with the application.

(7) No additional conditions are considered necessary for this application.

(8) I have no objections 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**

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

**8.3  Special conditions**

No special conditions are considered necessary.

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**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.

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Reference:    HC/RSL/1936
Date:            13 March 2024
Author:        Julie Traynor