

## The Highland Licensing Board

Meeting – 16 June 2015

Agenda Item	10.5
Report No	HLB/065/15

### Application for the grant of a Premises Licence under the Licensing (Scotland) Act 2005

Gallanach Lodge, Isle of Muck, by Mallaig, PH41 2RP

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 Gallanach Lodge, Isle of Muck, by Mallaig, PH41 2RP.

#### 1.0 Description of Premises

1.1 Gallanach Lodge is two storey detached property situated in its own grounds on the Isle of Muck. The premises will operate as a guest house accommodating a maximum of 16 guests. Accommodation comprises of 8 double bedrooms, guest lounge and dining room. An outdoor drinking area may be accessed from the lounge area. There is adjoining private accommodation.

#### 2.0 Operating Hours

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

**On sales:**

Monday to Sunday: 1200 hours to 2300 hours

#### 3.0 Background

3.1 On 2 April 2015 the Licensing Board received an application for the grant of a Premises Licence from Toby and Mary Fichtner-Irvine.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 8 May 2015 until 29 May 2015 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 Council's 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:

[http://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **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 grant of the application would be inconsistent with one or more of the licensing objectives;
  3. 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
  4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.
- 4.2 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:-

- (i) The core hours applied for are within the policy of the Highland Licensing Board;
- (ii) There is no bar counter within the premises and the children's policy is considered suitable and is within the policy of the Highland Licensing Board;
- (iii) The layout plan submitted complies with the required specifications;
- (iv) The premises would appear to be suitable for the sale of alcohol;
- (v) There would not appear to be any matter contained within the application that is inconsistent with The Licensing Objections.

## **6.0 HLB Local Policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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**

It is not considered necessary to attach any Local Conditions.

### **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/1741

Date: 1 June 2015

Author: AHM:ET/JT

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