

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	7.2
Report No	HLB/023/17

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

Glenshiel, Golf Road, Dornoch, IV25 3LW

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Glenshiel, Golf Road, Dornoch.

1.0 Description of premises

1.1 Glenshiel is a self-contained extension belonging to Links House, Golf Road, Dornoch containing six suites, a lounge which will also serve as a breakfast area, a galley kitchen for breakfast serving together with outside seating and landscaped gardens. The premises will also include an honesty bar within the lounge.

2.0 Operating hours

2.1 The applicant seeks the following **on-sales** and **off-sales** hours:

On sales:

Monday to Sunday: 1100 hrs to 0100 hrs

Off-sales:

Monday to Sunday 1000 hrs to 2200 hrs

3.0 Background

3.1 On 10 February 2017 the Licensing Board received an application for the grant of a provisional premises licence from The Links House Limited.

3.2 The application was accompanied by the necessary Section 50 certification in terms of Planning.

3.3 The application was publicised during the period 13 February until 6 March 2017 and confirmation that the site notice was displayed has been received.

- 3.4 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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

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:-
- 5.2 The applicant proposes to operate a detached hotel accommodating up to 16 guests in letting bedrooms. The premises are adjacent to the applicant's existing business, Links House, and are, in effect, an annexe for that business.
- 5.3 The premises are set in their own grounds adjacent to Royal Dornoch Golf Club. There are some private residences in the immediate area.
- 5.4 The application is for licensed hours within policy and the activities and services referred to in the operating plan are appropriate for this type of operation.
- 5.5 There is no service bar on the premises and the applicant intends that alcohol will be dispensed from storage areas by staff supplemented by an "honesty bar" within the library when required.
- 5.6 The applicant has provided a statement describing the method of operation of the "honesty Bar" demonstrating due regard to the licensing objectives. It is particularly noted that unaccompanied children are not to be permitted within the lounge where the "honesty bar" is to be located when it is in operation. The method of operation has been linked to the operating plan and the applicant is required to ensure compliance with that plan.
- 5.7 It is noted that an outdoor drinking area is proposed. While there are some neighbouring residential properties there is no reason to believe that any restriction on the use of the outdoor drinking area will be required.

6.0 HLB local policies

- 6.1 The following policies are relevant to the application:-
- (i) Highland Licensing Board Policy Hours
 - (ii) Highland Licensing Board Policy Statement 2013-18
 - (iii) The 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

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

7.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

1. Children and young persons are not permitted in the lounge at any time when the “honesty bar” facility is in operation unless accompanied by an appropriate, responsible adult.
2. The “honesty bar” must be operated in accordance with the method of operation of honesty bar statement provided with the operating plan for the premises.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions detailed at para 7.3 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 objection in question.

Reference: HC/CSR/1809
Date: 7 March 2017
Author: L Gunn
Background Papers: The Licensing (Scotland) Act 2005
Appendix: Method of operation of honesty bar

GLENSHIEL, GOLF ROAD, DORNOCH

METHOD OF OPERATION OF HONESTY BAR

DESCRIPTION OF PREMISES

Glenshiel will operate as a self-contained annexe to Links House Hotel offering high quality accommodation and catering for golfing and other visitors to Dornoch. There is no service bar in the premises. Service of alcohol to guests will be primarily by members of staff from storage in non-public areas of the premises, supplemented by an "Honesty Bar" within the lounge, where a television is also located.

LICENSING OBJECTIVES

The method of operation of the Honesty Bar is designed to comply with the licensing objectives namely:-

1. Preventing crime and disorder.
2. Securing public safety.
3. Preventing public nuisance.
4. Protecting and improving public health.
5. Protecting children from harm.

DESCRIPTION OF HONESTY BAR

The Honesty Bar will be located within a niche (approximately 1.93m high x 0.81m wide) in the lounge. There is an elevation of the Honesty Bar on the Ground Floor layout plan. The bar niche will have lockable doors and can therefore be secured at appropriate times. The Honesty Bar will not be open or available to non-residents and will be secured outwith the core on sales licensed hours for the premises and when the lounge is being used for an event or function open to non-residents.

The drinks available from the Honesty Bar will include soft drinks such as Coca Cola as well as malt whiskies and a small selection of bottled beers. Wines or other spirits and beers will not be available from the Honesty Bar. All such other drinks will require to be ordered from a member of staff and it is anticipated that most guests will also choose to order malt whiskies in that way.

CHILDREN AND YOUNG PERSONS

The Children and Young Persons Policy for the premises provides that children and young persons must be accompanied by an adult in the building at all times which includes the lounge where the Honesty Bar is situated. A section 110 notice will be displayed in the Honesty Bar niche.

OPERATING PROCEDURES

The Honesty Bar area will include all necessary glasses and measures. All measures will be of the same capacity of 35ml. Residents will be advised that they must use the spirit measures when dispensing drinks from the Honesty Bar. Their consumption is to be recorded in a log book, recording the date, time, name, room number and details of any consumption, with the signature of the resident.

Hotel staff will always be available in the Premises when the Honesty Bar is open and the Honesty Bar will be inspected regularly and at least once every hour during the times that it is open.

Staff will be instructed to close and secure the Honesty Bar if there is any excessive or inappropriate consumption by any guest.

Consumption information will be transferred from the Honesty Bar log to residents' accounts daily.