

## The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	9.6
Report No	HLB/054/17

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

Durness Youth Hostel, Smoo, Durness, IV27 4QA

#### 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 Durness Youth Hostel, Smoo, Durness, IV27 4QA.

### 1.0 Description of premises

1.1 The premises are a Youth Hostel located on the A838 near to Smoo Cave and Balnakeil Craft Village at Durness. They offer accommodation to travellers and tourists.

### 2.0 Operating hours

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

#### On sales:

Monday to Thursday: 1100 hrs to 2400 hrs  
Friday to Sunday: 1100 hrs to 0100 hrs the following day

#### Off-sales:

Monday to Sunday 1000 hrs to 2200 hrs

### 3.0 Background

3.1 On 25 April 2017 the Licensing Board received an application for the grant of a premises licence from SYHA (Trading) Ltd.

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

3.3 The application was publicised during the period 2 May until 23 May 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](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 Scottish Youth Hostel Association have operated a successful youth hostel at Durness for many years and now apply for a licence to sell alcohol by on and off-sales to the residents and other persons making use of the facilities and services.

- 5.3 The premises are situated in their own grounds adjacent to the A838 near to Smoo Cave, Durness.
- 5.4 There is no bar counter on the premises and on and off-sales of alcohol, which will be in sealed containers, will be made from the office / reception area. There is no accessible display of alcohol for off-sales and there is no conflict with the Board's policy on overprovision.
- 5.5 The application is for licensed hours within policy and the full list of activities and services which may be available for residents and other customers is appropriate for this type of operation.
- 5.6 There are no nearby residential properties and a condition restricting the use of the outdoor drinking area is not considered necessary.
- 5.7 I am satisfied that there is no conflict with any licensing objective and have no cause to object to the grant of this licence.

## **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
  - (iv) Schedule of Local Conditions

## **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 from the schedule of local conditions:

q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

### **7.3 Special conditions**

The Board may wish to consider attaching the following special conditions:

The following shall apply on any occasion that the Premises are open after 0100 hrs.

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-
  - (a) the time at which the premises next close; and
  - (b) 0500 hrs.
  
2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-
  - (a) the time at which the premises next close; and
  - (b) 0500 hrs.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras 7.2 and 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/1819  
Date: 25 May 2017  
Author: L Gunn  
Background Papers: The Licensing (Scotland) Act 2005