

## The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	10.3
Report No	HLB/057/17

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

Knoydart River Cottage, Knoydart, By Mallaig, PH41 4PL

#### 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 Knoydart River Cottage, Knoydart, by Mallaig, PH41 4PL.

#### 1.0 Description of premises

1.1 Knoydart River Cottage is a detached 1½ storey guest house located within the rural village of Inverie on the Knoydart Peninsula. The licensed premises will consist of three bedrooms, dining room, guest lounge and outdoor terrace area.

Alcohol sales will be made available to residents and non-residents.

There is private accommodation within the premises which does not form part of the licensed premises.

#### 2.0 Operating hours

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

##### On sales:

Monday to Sunday : 1700 hours to 2300 hours

The applicant seeks the following **off-sale** hours:

##### Off sales:

Monday to Sunday: 1700 hours to 2200 hours

#### 3.0 Background

3.1 On 5 May 2017 the Licensing Board received an application for the provisional grant of a premises licence from the partnership of Britta Bernard and Iain W Biggart.

The application was accompanied by the necessary section 50 certification in terms of Planning. (Section 50 certification in terms of Food Hygiene and Building Standards do not require to be submitted in respect of a Provisional Application).

- 3.2 The application was publicised during the period 8 May 2017 until 29 May 2017 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://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_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 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) River Cottage, Knoydart is a detached dwelling house on the Knoydart Peninsula which is owned and operated by the partnership of Britta Bernard and Iain Biggart. The premises are aimed at the tourist market and will offer dining and alcohol provision mainly to guests who secure accommodation, but with the option of taking in other diners as there are limited restaurant facilities in Knoydart. Alcohol will be dispensed by way of guests ordering their drinks via staff who will resource the alcohol from a secure cupboard, there will be no bar counter.
- (ii) Off sales have been requested as the area is popular with walkers/stalkers who may order packed lunches and require a small bottle of beer or wine. It is envisaged that off sales will only be a very small part of the business.
- (iii) The application is being processed as a provisional application and the necessary section 50 certificate in respect of Planning has been received.
- (iv) The hours requested are within the policy hours of the Highland Licensing Board .
- (v) The operating plan submitted is in the opinion of the LSO in keeping with the five licensing objectives.
- (vi) Following the statutory consultation processes, no objections or representations have been received.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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/1823

Date: 30 May 2017

Author: SB:IC/JT

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