

## The Highland Licensing Board

Meeting – 2 August 2017

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|-------------|------------|
| Agenda Item | 8.3        |
| Report No   | HLB/089/17 |

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

Falls of Shin Visitor Centre, Achany, Lairg, IV27 4EE

#### 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 Falls of Shin Visitor Centre, Achany, Lairg.

#### 1.0 Description of premises

1.1 Falls of Shin Visitor Centre is a 60 seat café with gift shop.

#### 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 2200 hrs

##### Off-sales:

Monday to Sunday 1000 hrs to 2200 hrs

#### 3.0 Background

3.1 On 13 June 2017 the Licensing Board received an application for the grant of a provisional premises licence from Kyle of Sutherland Development Trust.

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 22 June until 13 July 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://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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
  3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
  4. 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
  5. 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.
- 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 Kyle of Sutherland Development Trust have constructed a purpose-built visitor centre on the site of the former visitor centre which was destroyed by fire some years ago and make application for a premises licence.
- 5.3 The premises comprise of a 60 seat café with gift shop and associated services and facilities including an outdoor drinking area with a permanent barbecue and servery. There are no neighbouring residential properties and it will not be necessary to impose any condition to restrict the use of the outdoor drinking area.
- 5.4 The usual range of activities and services may be provided during and outwith core licensed hours which are 1100 to 2200 hrs for on-sales and 1000 hrs to 2200 hrs for off-sales.
- 5.5 There is no bar counter on the premises. Alcohol for on-sales will be supplied from a servery in the café. A small range of alcohol for off-sales will be displayed in the gift shop area. The capacity will be 2.5 m<sup>2</sup> which does not conflict with the Board's policy on overprovision.
- 5.6 I am satisfied that the applicant has given appropriate consideration to the licensing objectives. The activities and services to be provided are reasonable and appropriate for this type of business and I have no cause to object to the grant of a premises 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) 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**

None to apply.

## **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 objection in question.

Reference: HC/CSR/1828

Date: 18 July 2017

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005