

The Highland Licensing Board

Meeting – 2 August 2017

Agenda Item	10.4
Report No	HLB/094/17

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Aird Hill B and B, Badachro, Gairloch

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Gordon Quinn.

1.0 Description of premises

- 1.1 Aird Hill operates a bed and breakfast with two letting bedrooms located on the outskirts of Badachro. It was granted a premises licence on 5 February 2013.
- 1.2 The sale and consumption of alcohol is currently restricted to residents only.
- 1.3 The premises operate with nominal on-sales licensed hours there being no general prohibition on the consumption of alcohol by residents on the premises at any time.

2.0 Current operating hours

- 2.1 Current on sales hours not specified on licence.
- 2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1200 hrs to 2400 hrs

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

- (1) Add off-sales with hours of Monday to Sunday 1000 hrs to 2200 hrs
- (2) Specify nominal on-sales hours of Monday to Sunday 1200 hrs to 2400 hrs

4.0 Background

- 4.1 On 22 May 2017 the Licensing Board received an application for a major variation of a premises licence from Aird Hill BandB, Badachro, Gairloch.
- 4.2 The application was publicised during the period 28 June until 19 July 2017 and confirmation that the site notice was displayed is awaited.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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

5.0 Legislation

- 5.1 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.
- 5.2 Relevant grounds of refusal may be: -
 1. the grant of the application will be inconsistent with one or more of the licensing objectives;

2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;
3. 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.

5.3 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

6.2 The licence holder is now licensed by HMRC to produce gin on a small scale and wishes to sell his product via the internet and to residents for consumption off the premises and requires a variation to the premises licence to add off-sales.

6.3 As the premises are not subject to a rateable value they fall within Category 1(a) as sales of alcohol will not be restricted to residents only

6.4 There will be no public display of alcohol and no capacity for off-sales is recorded. There is no conflict with the Board's overprovision policy for off-sales.

6.5 The variations sought are reasonable and appropriate for this type of operation and should not cause conflict with the licensing objectives. I have no cause to object to the grant of the variation.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

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

8.3 Special conditions

Delete the existing special condition and add the following:

1. Alcohol for consumption on the premises shall only be consumed by guests being accommodated there.
2. Alcohol for consumption off the premises to which this licence refers may only be sold and despatched pursuant to an order originating off the premises or to persons residing on the premises.

Recommendation

The Board is invited to determine the above application and if minded to grant the application and to agree the additional special condition detailed at para 8.3 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 objective in question.

Reference: HC/CSR/1651

Date: 20 July 2017

Author: G Sutherland

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