

**The Highland Licensing Board**

**Meeting – 5 December 2017**

Agenda Item	<b>8.1</b>
Report No	<b>HLB/132/17</b>

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

**Charleston House, Flowerdale Bay, Gairloch**

**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 Charleston House, Flowerdale Bay, Gairloch.

**1.0 Description of premises**

1.1 Charleston House is a 4 bed guest house situated near Gairloch.

**2.0 Operating hours**

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

**On sales:**

Monday to Sunday: 1100 hrs to 0100 hrs

**3.0 Background**

3.1 On 24 October 2017 the Licensing Board received an application for the grant of a premises licence from Captain Jonathan R Stoneley.

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 27 October until 17 November 2017 and confirmation that the site notice was displayed has been received.

3.4 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.

3.5 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.

4.2 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.

4.3 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.4 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:-

The applicant operates a 4 bedroom guest house for up to 12 guests and makes application for a premises licence for the sale of alcohol only to residents. The premises will fall within category 1 in terms of Regulation 4(d) Licensing (Fees) (Scotland) Regulations 2007. (Alcohol for consumption on the premises only by guests being accommodated there.)

The premises are set in their own grounds but there is no outdoor drinking area. The application is for on-sales hours only.

I am satisfied that the applicant has given due regard to the licensing objectives. The activities and services to be provided are appropriate for this type of business and I have no cause to object to the grant of the licence.

## **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 required

### **7.3 Special condition**

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

- (1) Alcohol sold on the premises is to be consumed on the premises only by guests being accommodated there.

**Recommendation**

The Board is invited to determine the above application and if minded to grant the application and to agree the proposed special condition 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 objective in question.

Reference: HC/CSR/1839  
Date: 20 November 2017  
Author: G Sutherland