

The Highland Licensing Board

Meeting – 4 August 2020

Agenda Item	8.7
Report No	HLB/051/20

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

The Achness Hotel, Rosehall, by Lairg, IV27 4DB

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Achness Hotel (A Partnership), The Achness Hotel, Rosehall, by Lairg, IV27 4DB

1.0 Description of premises

- 1.1 The Achness Hotel is situated on the north side of the unclassified road up Glen Cassley, 200 metres from A937 through Rosehall. It is an old detached stone built 2 storey house with flat roof extension. Hotel side (entering by east door) there is a reception, dining room, resident's lounge, cocktail bar and toilets on the ground floor and 5 bedrooms and 2 bathrooms upstairs. Public side (entering by west door) there is a bar, restaurant area (with small outside terrace), games room (also accessed from hotel) and toilets, all on the ground floor. The remainder of which is the kitchen, drying room and storage. There is no separate off sales area, all sales being served are from the public bar counter and display behind it.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Amend operating plan to add outdoor drinking facilities.
- (2) Reduction in on sales capacity within the premises for the restaurant, bar and lounge with less seating creating more distance.
- (3) Remove off sale capacity, all off sales to be taken from stock.
- (4) Change of use of garden areas to seating areas to allow for the provision of food and alcohol services.

(5) Add to activities outwith core hours in Gardens A, B and C on the layout plan the provision of food and alcohol sales, occasional seating in Courtyard D when there are organised events, food markets and tasting events.

(6) Add to other activities, hosting events in courtyard such as farmers markets, craft and Christmas fayres and local promotions which will include alcohol sales.

(7) Amend layout plan to include outdoor drinking areas.

(8) Amend description of premises to include the use of Gardens A, B and C for the provision of food and alcohol sales, and the use of the courtyard for food markets and craft fayres.

3.0 Background

3.1 On 5 June 2020 the Licensing Board received an application for a major variation of a premises licence from The Achness Hotel (A Partnership).

3.2 The application was publicised during the period 22 June 2020 until 13 July 2020 and confirmation that the site notice was displayed has been received.

3.3 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.

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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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 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.
- 4.2 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.
 - 4.3 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.

5.0 Licensing Standards Officer

- 5.1 The LSO has provided the following comments:-
- 5.2 The Achness Hotel is a traditionally built, rural country house hotel sitting within its own grounds on the outskirts of the small community of Rosehall in central Sutherland.
- 5.3 The application is to include outdoor hospitality areas to extend operations within the premises and to add other activities e.g. fetes, farmers markets etc. to within the curtilage of the premises.
- 5.4 The full description of the variation to the premises licence is included within the application.
- 5.5 The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- 5.6 The layout plan submitted complies with the required specifications.
- 5.7 There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- 5.8 During the period of consultation, no timeous objections have been received.
- 5.9 I have no objections to this application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

Existing local conditions will continue to apply and it is recommended that the following additional local condition(s) be attached:

(m) After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

(n)(ii) The playing of live or recorded music in any outdoor drinking area shall be restricted to between the hours of 1100hrs and 2200hrs.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition(s) detailed at para. 7.2 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/0237

Date: 16 July 2020

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