

The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	7.7
Report No	HLB/050/23

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

Glenfinnan Station Dining Car, Glenfinnan Railway Station, Glenfinnan, PH37 4LT

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 Glenfinnan Station Dining Car, Glenfinnan Railway Station, Glenfinnan, PH37 4LT.

1.0 Description of premises

1.1 The Glenfinnan Dining Car is a converted 1950s railway dining carriage which is located within a tranquil heritage site, adjacent to the Glenfinnan Station Museum. The premises will operate as a café/restaurant serving snacks, breakfasts, lunches and evening meals and the service of alcohol will be by way of full table service due to the nature and construction of the carriage. There will be no bar counter within the premises. The premises will also offer off-sales.

The premises comprises of a 28 cover café/restaurant with two toilets located at the main entrance to the carriage. The kitchen and service area is located to the rear of the carriage. There is an outdoor drinking area which comprises of a decked area which runs along the full frontage of the carriage and offers seating capacity for 16 persons.

2.0 Operating hours

2.1 The applicant seeks the following **on sales** hours:

On sales:

Monday to Sunday: 1100 hours to 2200 hours

The applicant seeks the following **off sales** hours:

Off sales:

Monday to Sunday: 1100 hrs to 2200 hours

3.0 Background

3.1 On 20 March 2023 the Licensing Board received an application for the grant of a premises licence from Duncan and Manja Gibson t/a DMG Catering Glenfinnan.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.2 The application was publicised during the period 6 April 2023 until 27 April 2023 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:

[Highland Licensing Board - 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 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.

4.3 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:-

- As the name suggests the premises is a former train carriage that has been converted to be used as a restaurant. There is also a small outside seated area included within the application.
- The premises in question has been licensed previously under the Licensing (Scotland) Act 1976 legislation and operated for many years with no issues.
- The current applicant has many years of experience in the hospitality and licensed trade sector.
- The application is within Highland Licensing Board policy.
- The application conforms to the licensing objectives.
- I conducted a site visit and have no concerns.
- No objections have been received in connection with the application.
- 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

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/2052

Date: 28 April 2023

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