

## The Highland Licensing Board

Meeting – 13 February 2024

Agenda Item	6.4
Report No	HLB/16/24

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

**Burnside Cottage B&B and The Pig Shed Self-Catering Studio, Gills, Canisbay**

**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 Burnside Cottage B&B and The Pig Shed Self-Catering Studio, Gills, Canisbay, Caithness.

#### 1.0 Description of premises

1.1 The premises is a 1½ storey detached building set in approximately an acre of its own grounds split into 3 sections – owners private home, the guest wing containing 2 B&B suites, and separate self-catering annex. The licensed area includes a small outdoor hospitality area adjacent to guest accommodation. Provision of alcohol to residents only by way of room service. There is no bar or bar area within the premises.

#### 2.0 Operating hours

2.1 The applicant seeks the following hours:

**On sales:**

Monday to Sunday: 1200 hrs to 2300 hrs

#### 3.0 Background

3.1 On 6 December 2023 the Licensing Board received an application for the provisional grant of a premises licence from Firm of Burnside Cottage.

3.2 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.

3.3 The application was publicised during the period from 8 to 29 December 2023 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. The Community Council has expressed their support for this application.
- 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:

[https://www.highland.gov.uk/downloads/file/6399/licensing\\_hearings\\_procedure/licensing\\_board](https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board)

#### **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:-

- a) The property is situated in a rural location, adjacent to the A836 Thurso to Wick public road on the outskirts of the village of Gills, Canisbay, Caithness.
- b) The property known as Burnside Cottage Bed and Breakfast and The Pig Shed is comprised of two self-contained suites and an additional, self-catering flat. There is also a small outside hospitality area. The property sits in its own grounds.
- c) The premises will offer alcohol for on sales only. On Sales will only be served to residents, by way of room service, there will be no bar area and no vertical drinking.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- f) The layout plan submitted complies with the required specifications.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of public consultation, no objections were received.
- i) I have no objection to this application.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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**

None to apply.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the 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/CSR/2093  
Date: 30 January 2024  
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