

The Highland Licensing Board

Meeting – 13 May 2025

Agenda Item	6.1
Report No	HLB/34/25

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

Moss Restaurant, Glencoe, PH49 4HP

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 Moss Restaurant, Glencoe, PH49 4HP.

1.0 Description of premises

1.1 The Moss Restaurant is situated in a central position within the village of Glencoe, just off the A82.

The premises will operate as a restaurant/café and the sale of alcohol will be ancillary to food which may comprise of breakfast, brunch, afternoon teas and evening meals. The premises offers a service counter/till area for customers to pay their bill but there is no vertical drinking provision. All alcohol sales are supplied to customers at tables. The premises will offer the service of alcohol by way of both on and off sales.

2.0 Operating hours

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

On sales:

Monday to Saturday: 1100 hours to 0100 hours
Sunday: 1000 hours to 0000 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

- 3.1 On 21 March 2025 the Highland Licensing Board received an application for the grant of a premises licence from Katie Adams McFarlane-Slack.
- 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 24 March until 14 April 2025 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:

[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:-

1. Moss Restaurant is a detached 1970`s building which is located in a central position within the village of Glencoe, just off the A82.

The premises comprises of a large café which can offer seating for 30 customers, a service area, kitchen and food preparation area, supply store, entrance and exit vestibules and two customer toilets.

The premises also offers a small outdoor seating area which can accommodate 20 customers and which is located directly to the front of the premises.

2. The premises will offer both on and off sales.
3. The application is consistent with the licensing objectives.
4. The application is within Highland Licensing Board policy.
5. No objections or representations have been received in respect of the application.
6. The premises have been operating on occasional licences for a number of months with no adverse effects.

7. 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 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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the schedule of local conditions:

- (f) Alcohol may be sold on the premises prior to 1100 hours on Sundays only to persons taking table meals.
- n(i) No live or recorded music shall be played in any outdoor drinking area.

7.3 Special condition

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

1. No alcoholic or non alcoholic drink to be consumed in the external drinking area after 2200 hrs.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 7.2 and 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/RSL/2142
Date: 29 April 2025
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