

**The Highland Licensing Board**

**Meeting – 14 May 2013**

Agenda Item	9.2
Report No	HLB/054/13

**Application for a major variation of a Premises Licence under the Licensing (Scotland) Act 2005**

**Gun Lodge Hotel, High Street, Ardersier**

**Report by the Clerk to the Licensing Board**

**Summary**

REF: HC/INBS/73

This Report relates to an application for a major variation of Premises Licence.

**Premises:** Gun Lodge Hotel, High Street, Ardersier IV2 7QB

**Applicant:** Ms Sheena Margaret Fleming, Gun Lodge Hotel, High Street, Ardersier, IV2 7QB per Lorna Murray Solicitor, 45 Culduthel Road, Inverness IV2 4HQ

**1 Description of Premises**

The Gun Lodge Hotel is situated in Ardersier and consists of Hotel and Bar. Set in private grounds with ample parking on the outskirts of Ardersier, the Gun Lodge Hotel is a detached property offering 11 letting bedrooms, cocktail bar, public bar, conservatory and ancillary accommodation.

**2 Summary of Variation Application**

**2.1 Variation Sought**

Capacity to be reduced to 134.

Description to be amended to read "Set in private grounds with ample parking on the outskirts of Ardersier, the Gun Lodge Hotel is a detached property offering 14 letting bedrooms, cocktail bar, public bar, conservatory and ancillary accommodation".

The following is proposed:

- 1 erection of conservatory
- 2 provision of en-suite facilities in the upstairs bedrooms
- 3 conversion of dining/function room to provide 3 new en suite bedrooms
- 4 new boiler house to be provided.

### **3 Background**

- 3.1 The premises are licensed for on and off sales and were converted from the 1976 Act.  
On 28 February 2013 the Licensing Board received an application for a major variation of a Premises Licence from Sheena Margaret Fleming's agent, Lorna Murray Solicitor.
- 3.2 The application was publicised during the period 18 March to 8 April 2013 and no objections or representations have been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health), Planning, Building Standards were consulted on the application.  
A representation has been received from Building Standards in respect of the proposed (unbuilt) conservatory extension. (Appendix 1). A building warrant is in place for the ongoing boiler house and internal alteration works.  
Notification of the application was also sent to NHS Highland and the local Community Council.

No objections have been received in respect of the application.

### **4 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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
  3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.
- 4.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

## **5 Licensing Standards Officer's Comments**

The Gun Lodge Hotel, Ardersier is an established Hotel with bar and restaurant facilities situated in the village centre.

Application has been made to alter the lay out of the premises by way of the proposed variation. Accordingly the applicant has submitted copies of the new layout. The Premises have been inspected and the conversion of three new en suite bedrooms has been completed resulting in the removal of the former Function suite area. As a result of these alterations the capacity figure in the Operating Plan has been reduced from 170 to 134.

Building works to erect the new conservatory and boiler house have not as yet been commenced.

In addition two upstairs bedrooms have been modernised to incorporate en suite facilities.

Nothing within the proposal in the opinion of the LSO will cause any adverse effect to the Licensing Objectives. The description of the Premises has been textually altered to reflect the new description.

The existing Local Conditions attached to the Licence remain unaltered by this variation.

### **6.0 HLB Local Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) 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**

It is not considered necessary to attach any additional Local Conditions to those already applied.

#### **7.3 Specific Condition(s)**

None recommended.

**Recommendation**

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/73

Date: 14/03/2013

Author: Wendy Grosvenor

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

Appendix 1: response from Building Standards

**Building Standards Representation in relation to Application for Provisional Premises Licence, Gun Lodge Hotel, High Street, Ardersier, IV2 7QB**

**Ref no, HC/INBS/73**

The ground floor plan as submitted does not accurately reflect the current floor footprint. A formal building warrant application in terms of the Building Scotland Act 2003 will be required for any proposed conservatory extension. This approval will be required before any building works may proceed.

A building warrant approval Ref no. 12/01935/ALX is in place for a boiler house and for internal alteration works. These works are on going on site and will require a formal completion certificate submission and acceptance in terms of the Building Scotland Act 2003.