

## The Highland Licensing Board

Meeting – 14 May 2013

Agenda Item	9.5
Report No	HLB/057/13

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

Mackays Hotel and Spa Lodge, Strathpeffer, Ross-shire, IV14 9DL

#### Report by Clerk of the Licensing Board

##### Summary:

REF: HC/RSL/0714

This Report relates to an application for a Major Variation of Premises Licence.

**Premises:** Mackays Hotel and Spa Lodge, Strathpeffer, Ross-shire, IV14 9DL.

**Applicant:** Hart Hotels Ltd, per Kilpatrick and Walker, Solicitors, Ayr, KA7 1EN.

#### 1.0 Description of Premises

The premises comprise an hotel with accommodation and bar facilities in the centre of the village of Strathpeffer, Ross-Shire. The Premises specialise in providing accommodation for package coach tours but also cater for local bar trade as well.

#### 2.0 Background

The premises are licensed for on sales and were converted under the 1976 Act.

2.1 On 5 April 2013 the Licensing Board received an application for the major variation of the Premises Licence from the applicant's agent, Kilpatrick and Walker, Solicitors, Ayr.

2.2 The application was publicised during the period Monday 8 April 2013 until Monday 29 April 2013 and no objections or representations have been received.

2.3 In accordance with standard procedure, Northern Constabulary, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and to the local Community Council.

No objections or representations have been received in respect of the application.

### **3.0 Legislation**

3.1 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 premises are excluded premises;
2. the grant of the application will be inconsistent with one or more of the licensing objectives; 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

3.2 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.

### **4.0 Summary of Application**

The application seeks to permit the premises to open between 14.30.hrs and 18.30hrs on Sundays. At present the current core hours for Sundays require the bar to be closed during these times, a situation that has existed since “grandfather rights” were exercised at the time of transition.

### **5.0 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 combined Equality Scheme

### **6.0 Licensing Standards Officer’s Comments**

The Premises have a trouble free operating history and are members of the Local Pub Watch. Ostensibly the Hotel caters for the package holiday market with the majority of guests taking part in organised coach holidays.

The Hotel has further developed its business plan to provide facilities for local bar trade. This has in the recent past seen the Licence Holder apply for several extended hours applications for Sunday afternoons in order to facilitate Pool and darts competitions in aid of the local Shinty Club. These

extended hours events have all been discharged without incident. Application is now made to modernise the core hours to allow this type of business to proceed without the need for additional applications.

The hours applied for are within the policy hours of the Highland Licensing Board. The Premises are a suitable location for the consumption of alcohol. In the opinion of the LSO there is no threat to the licensing objectives should the Board be minded to grant this application.

## **7.0 Local Conditions**

7.1 The following local conditions should be appended to this licence.

Condition (a); Children under the age of 16 are excluded from any room where there is a bar counter after 10.00pm except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal, This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress. Protection of Children from harm.

Condition(b): Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the Licence Holder or children who are resident on the premises when not in the bar area. Protection of Children from harm.

Condition(c); Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time. Protection of Children from harm.

## **8. Recommendation**

The Board is invited to determine the above application and the proposed local condition(s) detailed at Para. 7.1 above.

Designation: Clerk of the Highland Licensing Board  
Reference: HC/RSL/0714  
Date: 30 April 2013  
Author: Catherine Maclennan/Ian Cox  
Background Papers: The Licensing (Scotland) Act 2005 /Application Form  
Schedule of Local Conditions