

The Highland Licensing Board

Meeting – Tuesday 6 August 2013

Agenda Item	10.13
Report No	HLB/100/13

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

Glencoe House, Glencoe, PH49 4HT

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence in respect of Glencoe House, Glencoe, PH49 4HT.

1.0 Description of Premises

1.1 The Glencoe House is a four-storey victorian house which is situated a short distance from the village of Glencoe within 10 acres of private grounds and was formerly operated as the Glencoe Hospital. The premises comprise of three guest suites with private bedroom(s), bathroom and lounge areas and a communal entrance lounge which are located on the basement and ground floor parts of the premises. Outdoor patio areas are provided for residents' exclusive use in respect of two of the guest suites.

1.2 Current Core Operating Hours

The premises currently enjoy the following operating hours:

On-Sale:

Monday to Saturday: 1100 hours to 2300 hours

Sunday: 1200 hours to 2300 hours

2.0 Summary of Variation Application

2.1 Variation Sought

The applicant seeks to vary the premises licence as follows:-

- (i) Revise layout plan to include Suite Nos. 4, 5, 6 & 7 located on the first and second floors;
- (ii) Increase capacity from 88 persons to 100 persons following the completion of Suite Nos. 4, 5, 6 & 7;
- (iii) Revise description of Premises to include First and Second Floors of the premises.

3.0 Background

3.1 On 24 June 2013 the Licensing Board received an application for a major variation of a Premises Licence from Mr Roger Niemeyer.

3.2 The application was publicised during the period 1 July until 22 July 2013 and confirmation that the site notice was displayed has 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.

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

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

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 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 only power to either grant the application and make a variation of the conditions to which the licence is subject or, refuse the application.

If the Board refuses 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.

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- the premises are considered suitable for use for the sale of alcohol in accordance with the proposed variation;
- the layout plan submitted complies with the required specifications;
- there would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Statement
- (ii) 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.

Recommendation

The Board is invited to determine the above application.

If the Board are 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.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1645

Date: 23 July 2013

Author: AHM/JT

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