

The Highland Licensing Board

Meeting – 13 May 2014

Agenda Item	8.8
Report No	HLB/067/14

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

Tongue Hotel, Tongue, IV27 4XD

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence for Tongue Hotel, Tongue, IV27 7NL.

1.0 Description of Premises

1.1 The premises are a large rural 4 star detached 19 bedroom hotel overlooking the Kyle of Tongue providing accommodation, restaurant, bar facilities and an outside drinking area to residents and non-residents with on and off sales.

1.2 Current Core Operating Hours

On Sales:

Monday to Thursday	1100 hrs to 2300 hrs
Friday	1100 hrs to 0100 hrs
Saturday	1100 hrs to 2345 hrs
Sunday	1230 hrs to 2300 hrs

Off Sales:

Monday to Saturday	1100 hrs to 2200 hrs
Sunday	1230 hrs to 2200 hrs

2.0 Summary of Variation Application

2.1 Variation Sought

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

- (1) Variation to on sales hours: Monday to Sunday 1100 hrs to 0100 hrs
- (2) Variation to off sales hours: Monday to Sunday 1100 hrs to 2200 hrs
- (3) Addition of seasonal variations to take advantage of any extended hours authorised by the Board during the festive period

- (4) Amendments to 5 and 5(f) on operating plan to remove “prior to 1100 hrs Monday to Saturday and 1230 hrs on Sunday” and replace with prior to 1100 hrs Monday to Sunday and replace reference to “bar/pool room” with “downstairs lounge bar and restaurant”
- (5) Amendment to 6(d) on operating plan to remove “prior to 1100 hrs Monday to Saturday and 1230 hrs on Sunday and replace with “prior to 1100 hrs Monday to Sunday”
- (6) Amendment to 6(e) to remove “the owners children and/or young persons may be permitted access to the bar/pool room area on necessary occasions” as this area to be known as the “downstairs lounge bar and restaurant”, is an area to which children and young persons will have access
- (7) Amend description of Premises

3.0 Background

- 3.1 On 31 March 2014 the Licensing Board received an application for a major variation of Premises Licence from the Licence holder, LDH Hotels Limited.
- 3.2 The application was publicised during the period 3 April to 24 April 2014 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council’s TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification and a copy of the application was also sent to NHS Highland and to 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 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.

4.3 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 objection in question.

5.0 Licensing Standards Officer's Comments

The LSO has provided the following comments:-

- The proposed variations are reasonable and appropriate for these premises and are in accordance with Board policy.
- I have no cause to object to the grant of the application.

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

Existing local conditions (a), (b), (c) and (j) continue to apply.

Following grant of the seasonal variation the undernoted local and late opening premises conditions will require to be imposed.

Local Condition

(q) The Licence Holder shall submit to the Board and to Northern Constabulary prior to 1st December each year notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Festive Policy Statement. The Premises may remain open until the

festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Northern Constabulary in accordance with this condition.

7.3 Late Opening Premises Conditions

The following shall apply on any occasion that the Premises are open after 0100 hrs.

1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs.

2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-(a) the time at which the premises next close; and

- (b) 0500 hrs.

Recommendation

The Board is invited to determine the above application and the proposed local conditions and late opening local condition(s) detailed at para(s). 7.2 and 7.3 above noting that the application for variation is within the policy adopted by the Board on 1 October 2013 as the Board's new policy for 1 December 2013 to 30 November 2016.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/0837

Date: 25 April 2014

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005