

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	9.1
Report No	HLB/089/14

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

Ben View Hotel, Strontian, PH36 4HY

Report by Clerk of the Licensing Board

Summary

This Report relates to an application for a Premises Licence in respect of the Ben View Hotel, Strontian, PH36 4HY.

The premises previously held a Premises Licence until it was surrendered on 23 June 2014.

1.0 Background

1.1 The Ben View Hotel is a detached country hotel situated in a rural location in Strontian.

The public areas are of an open plan layout and consist of a reception hall, dining room, lounge bar, sun lounge and residents lounge. The premises has nine bedrooms.

There is an outdoor drinking area located at the front of the premises.

1.2 On 3 July 2014 the Licensing Board received an application for the grant of a Premises Licence from Mr Graham McMenemy.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

1.3 The application was publicised during the period 7 July 2014 until 28 July 2014 and confirmation that the site notice was displayed has been received.

1.4 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's Community 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.

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

2.0 Legislation

2.1 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.

2.2 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.

3.0 Summary of Application

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

Monday to Sunday: 1100 hours to 0100 hours

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

Monday to Sunday: 1100 hours to 2200 hours

4.0 Policies

The following policies are relevant to the application:-

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

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- The hours applied for are within policy and all activities referred to in the operating plan are reasonable and appropriate for this type of operation;
- The Children's Policy is considered suitable and is within the policy of the Highland Licensing Board;
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives;
- The layout plan submitted with the application complies with the required specifications;
- The premises are considered suitable for use for the sale of alcohol in accordance with the proposed application.

6.0 Conditions

6.1 Mandatory Conditions

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

6.2 Local Conditions

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the Schedule of Local Conditions:-

- A. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours 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.
- 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.
- C. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

Recommendation

The Board is invited to determine the above application and the proposed local condition(s) detailed at para(s). 6.2 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/1709

Date: 29 July 2014

Author: AHM:ET/JT

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