

## The Highland Licensing Board

Meeting – 12 August 2014

|             |            |
|-------------|------------|
| Agenda Item | 11.10      |
| Report No   | HLB/102/14 |

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

Castle Arms Hotel, Mey

Report by the Clerk to the Licensing Board

#### Summary

This Report relates to an application for a major variation of Premises Licence for Castle Arms Hotel, Mey.

#### 1.0 Description of Premises

1.1 The Hotel is situated in the village of Mey comprising dining room, public bar, lounge bar and shop with off-sales area. The Hotel was granted a premises licence, on transition, on 1 September 2009.

#### 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. Reduce on-sales hours on Fridays and Saturdays to close at 2300 hrs;
2. Increase on-sales hours on Sunday to open at 1200 hrs;
3. Remove provision of off-sales;
4. Add seasonal variation to allow premises to be open from 1 April to 31 October each year;

5. Remove indoor/outdoor sports during core hours and remove local condition relating to dartboard and pool table.
6. Addition of televised sport and outdoor drinking facilities during core hours;
7. Alter layout plan to restrict on-sales to dining room, lounge bar and outside patio and to close public bar and shop;
8. Change description of premises to "hotel with dining room and lounge bar".

### **3.0 Background**

- 3.1 On 13 June 2014 the Licensing Board received an application for a major variation of Premises Licence from the Licence holder, William Rose.
- 3.2 The application was publicised during the period 30 June to 21 July 2014
- 3.3 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's Environmental Health, Planning and Building Standards were consulted on the application.
- 3.4 Notification and a copy of the application were also sent to NHS Highland and to the local Community Council.
- 3.5 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**

5.1 The applicant intends to change the method of operation of the premises to concentrate on facilities and services for residents and diners during the core tourist season.

5.2 The proposed outdoor drinking area is located within a central courtyard and it is not considered necessary to impose any condition restricting its use.

5.3 The variations applied for are all within Board policy and do not conflict with the licensing objectives.

## **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**

Delete condition (j), other remaining conditions to continue.

**Recommendation**

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board  
Reference: HC/CSER/0276  
Date: 29 July 2014  
Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005