

## The Highland Licensing Board

Meeting – 7 October 2014

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| Agenda Item | 8.3        |
| Report No   | HLB/117/14 |

### Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

#### Report by Clerk of the Licensing Board

##### Summary

This report relates to an application for the provisional grant of a premises Licence for:

**Premises:** Ben Mhor Hotel 53-57 High Street, Grantown on Spey PH26 3EG

**Applicant:** Robert Caven, Messrs Thornton UK LLP (acting as Insolvency Practitioner appointed) c/o Lindsays Solicitors, 1 Royal Bank Place, Buchanan Street, Glasgow G1 3AA

#### 1.0 Background

1.1 The premises were previously licensed as an Hotel with on and off sales. . The licence was revoked by the Board in February 2013 for non-payment of annual premises licence fees and is currently closed. The hours applied for are identical to the previous licence.

1.2 On 14 August 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant's agent, Lindsays, Solicitors, Glasgow.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, and the statutory fee.

1.3 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (18 August to 8 September 2014). Confirmation of display of the site notice has been received.

1.4 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), and Planning and Building Standards were consulted on the application.

Notification and a copy of the application have been sent to NHS Highland and a notification has been sent to Grantown on Spey Community Council.

Notice of the application has been sent to all the people listed under S21 (1) of the Act.

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 ground 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,
3. that 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, the Board considers the premises are unsuitable for the sale of alcohol.
4. that having regard to the number and capacity of licenced 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.

## **3. Summary of Application**

### **On Sales:**

Monday to Wednesday 11.00 hrs. to 24.00 hrs.

Thursday, Friday, Saturday 11.00 hrs. to 01.00 hrs.

Sundays 11.00 hrs. to 24.00 hrs.

### **Off Sales:**

Monday to Sunday 11.00 hrs. to 22.00 hrs

## **4. Policies**

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board combined Equality Scheme

Schedule of Local Conditions

## **5 Licensing Standards Officer's Comments:**

The Ben Mhor Hotel, Grantown on Spey, is a substantial 3 storey hotel on the High Street, Grantown on Spey. The premises have previously traded as a licensed hotel but following liquidation under previous ownership the licence ceased to exist and consequently a new application is required to re-licence it.

The application is a provisional application and as such the necessary Section 50 certificate in relation to planning has been received.

The hours requested for both on and off sales are within the policy hours of the Highland Licensing Board and the Licensing (Scotland) Act 2005.

The proposed content of the operating plan does not raise concerns in respect of the Licensing Objectives. The Children's Policy is acceptable in ensuring the protection of children and young persons when on the Premises.

## **6 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. (Objective 5).

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.(Objective 5)

c) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time. (Objective 5).

h) Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer (Objective 2).

### **6.1 Specific Condition**

None.

## **7 Mandatory Conditions**

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

## **8 Recommendation**

The Board are invited to determine the application and the local conditions recommended at paragraph 6.

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.

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.568

Author: Wendy Grosvenor

Date: 10<sup>th</sup> September 2014.

Background Papers: The Licensing (Scotland) Act 2005.