

The Highland Licensing Board

Meeting – 11 December 2014

Agenda Item	8.1
Report No	HLB/147/14

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

Loch Ericht Hotel, General Wade's Military Road, Dalwhinnie PH19 1AG

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a Premises Licence in respect of Loch Ericht Hotel, General Wade's Military Road, Dalwhinnie PH19 1AG.

1.0 Description of Premises

1.1 The premises are a 27-bedroom hotel with lounge bar/restaurant, function suite, café and outside decking area.

2.0 Operating Hours

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

On sales:

Monday to Sunday 1100 hours to 0100 hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 31 October 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant's agent, Lorna Murray, Solicitor, 45 Culduthel Road, Inverness IV2 4HQ.

3.2 The application was publicised during the period 03 November 2014 until 24 November 2014 and confirmation that the site notice was displayed has been received.

- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council (Dalwhinnie).
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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 are: -

1. that the premises are excluded premises;
 2. that the grant of the application would 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 use for the sale of alcohol, or
 4. that 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 overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

This application for the provisional grant of a Licence has been submitted with the necessary Section 50 Certificate in respect of Planning.

The hours applied for are within the policy hours currently operated by the Highland Licensing Board.

The premises are suitable for the sale of alcohol having traded as a licensed hotel until 2011 at which time the premises ceased to trade.

The operating plan which has been submitted has been reviewed by the LSO and it is competent and no adverse threat is posed to the Licensing Objectives.

There is a differential in the commencement times of on and off sales. This is due to this premises being the only premises able to offer a comprehensive off sale facility to the community of Dalwhinnie. In addition, the area is popular with hill walkers who on occasion purchase alcohol in order to take in their rucksacks.

6.0 HLB Local Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) 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

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.

If the Board is 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.

Reference: HC/INBS/570

Date: 25 November 2014

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