

The Highland Licensing Board

Meeting – 3 February 2015

Agenda Item	8.7
Report No	HLB/018/15

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

Aultbea Hotel, Aultbea, Achnasheen

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence by Aultbea Hotel, Aultbea, Achnasheen.

1.0 Description of Premises

1.1 The premises operate as a traditional hotel. A premises licence was granted for the hotel at transition and was transferred to the current operator on 9 May 2014.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Friday: 1100 hrs to 0100 hrs
Saturday: 1100 hrs to 2400 hrs
Sunday: 1230 hrs to 2330 hrs

Off sales:

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

3.0 Summary of Variation Application

3.1 Variation Sought

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

- (1) Increase the on sales hours on Saturdays and Sundays to terminate at 0100 hrs
- (2) Commence at 1100 hrs on Sundays for on and off sales

- (3) Changes to the layout plan involving amalgamation of the lounge and public bars and of the two separate dining rooms. No change to the capacity for the premises or its description or operation.
- (4) Amend the wording of the children and young persons' terms of entry to take into account the changes to the layout.

4.0 Background

- 4.1 On 16 December 2014 the Licensing Board received an application for a major variation of a Premises Licence from Robin Macgregor.
- 4.2 The application was publicised during the period 22 December 2014 until 12 January 2015. I am awaiting confirmation that the site notice was displayed during this period.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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

5.0 Legislation

- 5.1 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 carried on or 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 in accordance with the proposed variation;

3. having regard to the number and capacity of 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 overprovision of licensed premises or licensed premises of that description in the locality.

5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.3 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

The premises are being renovated by the new operator and the layout changes will allow better use to be made of the accommodation. The variations sought are reasonable and appropriate for this type of premises and should not conflict with any of the licensing objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

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

8.0 Conditions

8.1 Mandatory Conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local Conditions

Existing local conditions will continue to apply.

The premises have a historic seasonal variation to take advantage of any additional hours granted by the Board over the festive period however no conditions were imposed at that time.

In order to ensure that the premises operate in line with the current policy for the festive period the Board may wish to take this opportunity to impose the following condition:-

- q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 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 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 Police Scotland in accordance with this condition.

8.3 Additional Conditions

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

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 hrs (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 if minded to grant the application, to agree the proposed local/additional condition(s) detailed at para(s) 8.2 and 8.3 above.

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/RSL/1200
Date: 14 January 2015
Author: G Sutherland
Background Papers: The Licensing (Scotland) Act 2005/Application Form.