

**The Highland Licensing Board**

**Meeting – 16 June 2015**

Agenda Item	11.1
Report No	HLB/066/15

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

**Kingsmills Hotel, Culcabock Road, Inverness IV2 3LP**

**Report by the Clerk to the Licensing Board**

**Summary**

This Report relates to an application for a major variation of Premises Licence by Kingsmills Hotel (Inverness) Ltd, per agent Craig Ewan.

**1.0 Description of Premises**

1.1 Four star hotel one mile from Inverness City Centre.

**2.0 Current Operating Hours**

2.1 The premises currently enjoy the following operating hours:

**On sales:**

Monday to Saturday: 1100 hours to 0100 hours

Sunday: 1200 noon to 2400 hours

**Off sales:**

None

**3.0 Summary of Variation Application**

**3.1 Variation Sought**

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

(1) Addition of 13 Garden Rooms within the garden area of the hotel. Increasing capacity by a further 26 pax to 1589.

(2) Amendment to On Sales Hours:  
Sunday from 1100 hours to 0100 hours.

(3) Addition of Off Sales Hours Monday to Sunday 1100 hours to 2200 hours to sell specialist products, ie. Gifts a reception branded with hotel logo.

(4) Amendment to second paragraph of description to read: 'Kingsmills Hotel – a four star 147 bedroom hotel one mile from Inverness City Centre'.

#### **4.0 Background**

- 4.1 On 31 March 2015 the Licensing Board received an application for a major variation of a Premises Licence from Kingsmills Hotel (Inverness) Ltd, Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA from the applicant's agent, Mr Craig Ewan, who is the premises manager.
- 4.2 The application was publicised during the period 13 April 2015 until 04 May 2015 and confirmation that the site notice was displayed has been received.
- 4.3 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. Planning have reported that Permission for 12 houses has been granted.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council Inverness Millburn.
- 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](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 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.

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:-
- 6.2 The Kingsmills Hotel is a large hotel set in its own substantial grounds in the Culcabock area of Inverness.
- 6.3 The hotel has an excellent licensing history and compliance visits carried out by the LSO have shown a strong degree of diligence in meeting the requirements of the Licensing (Scotland) Act 2005.
- 6.4 Application has been made by the licence holders to vary the current alcohol premises licence and operating plan. The premises are to be extended with the proposed addition of 13 extra "Garden Rooms". Layout plans have been submitted illustrating this change. As a result the capacity total for the hotel will be increased by 26 persons and this amendment has been made at Section 7 of the operating plan. Following statutory consultation, Planning state that planning permission is held only for 12 rooms but there is no formal objection.
- 6.5 The applicant also seeks to adjust the current Sunday on-sale hours to allow trading from 11.00hrs until 01.00 hrs on Sundays, which is in line with current Board policy. Permission to sell off-sales is also requested on a Monday to Sunday basis, trading 11.00hrs until 22.00hrs. This is to allow the sale of selected malt whiskies to guests to take as souvenirs and also to provide alcohol to guests within picnic hampers prepared at the hotel but consumed elsewhere. Such off sales will be resourced solely from a stock room.
- 6.6 Lastly the current description within the licence has been altered to encompass the expansion of the hotel's estate with the new "Garden Rooms".

It is the opinion of the LSO that should the Board be minded to grant this variation there will be no adverse effect on 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 and no additional local conditions are considered necessary.

### **8.3 Special Conditions**

None.

### **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: HCINBS/326

Date: 21 May 2015

Author: Wendy Grosvenor

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