

## The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	7.1
Report No	HLB/079/15

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

Clunebeg Lodge, Lewiston, Drumnadrochit IV63 5US

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for the grant of a premises licence in respect of Clunebeg Lodge, Lewiston, Drumnadrochit IV63 5US.

#### 1.0 Description of premises

1.1 Clunebeg Lodge is a single storey detached building comprising of 6 en-suite bedrooms, toilet facilities (including disabled), kitchen and a 26-cover restaurant area with a small bar area. To the north and south of the area there are two outdoor patios which are for guests' usage for taking meals and beverages. The premises previously held a premises licence as the Poacher's Inn. The licence was revoked by the Board due to the non-payment of annual fees by a previous licence holder.

#### 2.0 Operating hours

2.1 The applicant seeks the following hours:

**On sales:**

Monday to Sunday 1400 hours to 2400 hours

**Off sales:**

Monday to Sunday 1400 hours to 2200 hours

#### 3.0 Background

3.1 On 27 May 2015 the Licensing Board received a revised application for the grant of a premises licence from Gillian Marion Daley, Clunebeg House, Clunebeg Estate, Lewiston, Drumnadrochit, IV63 6US.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

- 3.2 The application was publicised during the period 8 June 2015 until 29 June 2015 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 (Glenurquhart).
- 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](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 premises in question are a detached accommodation and integral restaurant building situated next to Clunebeg Lodge, Drumnadochit. The premises have been visited by the LSO and they are suitable for the sale of alcohol.

The premises are situated on the Clunebeg Estate and are well removed from neighbouring residential property. Incorporated within the operating plan are two outside patio areas to the front and rear of the building for the use of guests. The absence of neighbouring property negates the need to impose a local licensing condition restricting their usage.

The hours of operation are within the Highland Licensing Board Policy Hours. Off sales are requested which are primarily to resource persons wishing to order takeaway meals and wishing to purchase alcohol as an accompaniment. Layout plans of good quality have been submitted as have the necessary Section 50 Certificates in respect of Planning, Building Standards and Food Hygiene.

The operating plan has been reviewed and discussed by the LSO with the applicant and in the LSO's view fulfils the requirements of the 5 Licensing Objectives.

## **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 conditions (a, b and c) 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.

### 7.3 Special Conditions

No special conditions are considered necessary.

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at 7.2 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/INBS/581

Date: 8 July 2015

Author: Wendy Grosvenor

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