

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	9.9
Report No	HLB/092/15

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Loch Ness Country House Hotel, Loch Ness Road, Inverness IV3 8JN

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Loch Ness Country House Hotel Limited, per Lorna Murray, Solicitor.

1.0 Description of premises

1.1 A Georgian hotel on the outskirts of Inverness in private grounds extending to approximately six acres. Open to both residents and non-residents.

2.0 Current operating hours

On Sales:

Monday to Thursday: 1100 hours to 2300 hours

Friday and Saturday: 1100 hours to 0100 hours

Sundays: 1200 hours to 2300 hours

Off Sales

Monday to Saturday: 1100 hours to 2200 hours

Sundays: 1200 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

Operating plan:

1. Vary on-sale hours as follows: Sunday, Monday, Tuesday, Wednesday, Thursday to 0100 hrs. Sundays to commence from 1100 hrs.
2. Vary off-sales hours as follows: Sundays to commence from 1100 hrs.
3. Yes to seasonal variations. The premises will operate policy hours granted by the Board in relation to festive and other extensions.
4. Increase capacity to 273 (plus capacity of external alcohol service areas).
5. The reception area may on occasion be used to accommodate a small bar when the premises are hosting events such as functions and weddings.

Layout plan:

1. Footprint of the premises to be extended to incorporate the function suite and associated ancillary accommodation. Outside alcohol service area to be extended.

Premises licence:

1. Amend description to read: 'Loch Ness Country House is situated in 6 acres of private grounds on the outskirts of Inverness. The hotel has 15 bedrooms (comprising 11 in the main building and 4 in the garden cottages), a 40 cover restaurant and 2 lounges open to both residents and non-residents. Adjoining the hotel is a function suite which hosts events such as weddings, funeral catering, corporate events, meetings, banquets and other celebrations.'

4.0 Background

- 4.1 On 17 June 2015 the Licensing Board received an application for a major variation of a premises licence from Loch Ness Country House Hotel Limited per agent, Lorna Murray.
- 4.2 The application was publicised during the period 22 June until 13 July 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council (Inverness West).
- 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.

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:-

Loch Ness Country House Hotel is a substantial detached Hotel with function suite situated within extensive landscaped grounds on the outskirts of Inverness.

The premises have a trouble free operating history and compliance checks carried out by the LSO have shown that the premises are well run in terms of their operating plan and the requirements of the Licensing(s) Act 2005.

Request is made to extend the existing on sales terminal hour to 01.00hrs Sunday to Thursday inclusive. Sunday trading is requested to commence from 11.00hrs as is the off sale provision. Such changes to core hours are within the policy hours of the Highland Licensing Board and will not cause any adverse issue in respect of the Licensing Objectives.

Seasonal variations to allow trading in line with Board extensions such as the festive hours policy are requested, the applicants will accept the local condition requiring timeous notification of dates of operation to the Licensing Board and Police (Scotland).

Capacity of the premises has increased to 273, taking account of a purpose built function suite, an additional 78 persons can be accommodated within the approved outside drinking areas. An addition to the operating plan is requested to allow the reception area to accommodate a temporary bar when hosting events such as weddings and functions. This is seen as reasonable by the LSO.

Lay out plans have been submitted which adequately show the expanded footprint of the premises encompassing the new function suite and extension of the outside drinking area. In addition the description of the premises has been amended to take account of the function suite.

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

There are no existing local conditions. The following new ones are recommended.

- 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.

- 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.

The following conditions shall apply on any occasion that extended hours after 01.00hrs are being used on the premises.

- A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hours. (mandatory condition)
- A designated person who is the holder of a personal licence must be present on the premises from 0100 hours. (local condition).

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and recommended Local Conditions at Item 8.2 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/423

Date: 15 July 2015

Author: Wendy Grosvenor

Background Papers:

- The Licensing (Scotland) Act 2005/Application Form.