

## The Highland Licensing Board

Meeting – 3 November 2015

Agenda Item	6.4
Report No	HLB/115/15

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

Muckrach Lodge Hotel and Restaurant, Dulnain Bridge, Grantown on Spey PH26 3LY

Report by the Clerk to the Licensing Board

### Summary

This Report relates to an application for a major variation of premises licence by HFS Highland Limited, Bank Chambers, 3 Churchyardside, Nantwich, Chester CS5 5DE per Pamela Bates.

### 1.0 Description of Premises

1.1 Muckrach Lodge Hotel and Restaurant is a full service hotel situated in its own 10 acres. There are 12 bedrooms and Muckrach has operated as an hotel since the 1950's. There is a full service bar and 32 cover restaurant, both of which are open to residents and non-residents. A terrace is available for dining and drinking during clement weather.

### 2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

**On sales:**

Monday to Friday: 1100 hours to 0100 hours

Saturday: 1100 hours to 2400 hours

Sunday: 1200 hours to 2400 hours

**Off sales:**

Monday to Saturday: 1000 hours to 2200 hours

Sunday: 1230 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:**

- 3.2 Increase core hours-  
**On Sales**  
Saturday to 0100 hrs  
Sunday 1100 hours to 0100 hrs  
**Off Sales**  
Sunday from 1000 hrs
- 3.3 Seasonal variation to include the Board's festive policy.
- 3.4 Amend Premises Licence description:  
Muckrach Country House Hotel and restaurant is a full service hotel situated in its own 10 acres located approx. 0.6km to the west of Dulnain Bridge on the Carrbridge Road (A938). There are 13 bedrooms including 2 bedrooms in the adjacent annex. Muckrach has operated as an hotel since the 1950's. There is a full service bar and restaurant both of which are open to residents and non-residents. A terrace is available for dining and drinking. The bar also serves as one of the lounges.
- 3.5 Include additional activities: gaming, indoor/outdoor and televised sports and music within and outwith core hours.
- 3.6 Include music and live performances outwith core hours
- 3.7 Amend 5(f) other activities: ' Use of marquees in the hotel grounds. Use of all the hotel grounds to host functions in accordance with individuals' needs and requirements. Weddings and other events.'
- 3.7 Update Children's policy.

### **Layout Plan:**

- 3.8 Update floor plans for hotel and annex bedrooms.

### **4.0 Background**

- 4.1 On 28 August 2015 the Licensing Board received an application for a major variation of a Premises Licence from Pamela Bates on behalf of HFS Highland Limited, Bank Chambers, 3 Churchyardside, Nantwich, Chester CS5 5DE.
- 4.2 The application was publicised during the period 7 September 2015 until 28 September 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, Dulnain Bridge.
- 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 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:-**

The Muckrach Lodge Hotel is a granite built Victorian shooting lodge situated within its own grounds at Dulnain Bridge, Inverness Shire. Recently the licence has been transferred and the premises have undergone substantial upgrade which has entailed upgrading and modernising their alcohol premises licence.

Application has been made to vary the terminal hours on Saturdays to 0100 hours. Sunday trading is requested to commence from 1100 hours and terminate at 0100 hours. These alterations are within the policy hours currently set by the Highland Licensing Board. The trading history of the hotel has been trouble free.

A seasonal variation to allow automatic trading within periods of extended hours offered by the Highland Licensing Board is requested within the operating plan. The applicants accept the local condition requiring notification of dates to Police Scotland and the Board.

The activities section of the operating plan has been amended over several categories of activities to allow the hotel to accurately reflect the range of services it now offers to guests. This has been reviewed by the LSO and there is no conflict with the licensing objectives. Specific mention has been made at Section 5(f) of utilising the grounds for functions under marquees. Given that the grounds are extensive and are well removed from neighbouring properties there will be no threat of "public nuisance".

The children and young person's policy has been amended to allow children to be on the premises as resident/non-resident when accompanied by an adult. Young persons may be permitted access unsupervised at management discretion. The LSO, having visited the hotel, is comfortable that this policy continues to meet the criteria of the fifth licensing objective.

The description of the hotel has been altered to include a 2 bedroom annex and reflect internal refurbishment. A complete set of new layout plans has been submitted which accurately reflect the transformation of the establishment.

## **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**

The existing local conditions B and C should be retained.

The following local condition (q) should be added to the Licence.

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 Special Conditions**

1) On any occasion when the premises are permitted to be open after 0100 hours the following conditions shall apply;

- 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).

#### **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/

Date: 8 October 2015

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