

The Highland Licensing Board

Meeting – 10 May 2016

Agenda Item	8.2
Report No	HLB/039/16

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

Glen Canisp Lodge, Glen Canisp, Assynt

Report by the Depute Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Glen Canisp Lodge, Glen Canisp, Assynt.

1.0 Description of premises

1.1 Glen Canisp Lodge is a detached hunting lodge comprising 12 bedrooms, dining room, vestibule, lounges and associated facilities and services. It stands within substantial grounds containing numerous outbuildings including an open-sided barn used for concerts and parties and a café which is to be located within part of a steading to the rear of the lodge. The licensed area includes parts of the grounds and from time to time a marquee may be erected within the licensed area to cater for weddings and other functions.

The lodge is available for sole private use either fully serviced or self-catered.

There is no permanent bar counter on the premises. From time to time an “honesty bar” may be operated subject to the attached method of operation.

There will be no accessible display of alcohol for sale by off-sales within either the lodge or the café.

2.0 Operating hours

2.1 The applicant seeks the following **on-sales** and **off-sales** hours:

On sales:

Monday to Sunday: 1100 hrs to 0100 hrs the following day

Off-sales:

Monday to Sunday 1000 hrs to 2200 hrs

3.0 Background

- 3.1 On 24 March 2016 the Licensing Board received an application for the grant of a provisional premises licence from Assynt Biz Ltd.
- 3.2 The application was accompanied by the necessary Section 50 certification in terms of Planning, Building Standards and Food Hygiene.
- 3.3 The application was publicised during the period 29 March until 19 April 2016 and confirmation that the site notice was displayed has been received.
- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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

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 LSO has provided the following comments:-

Glen Canisp Lodge is a detached former hunting lodge now operated by a community company. The lodge has 12 bedrooms and the usual hotel facilities and is available for sole private use either fully serviced or self-catered. A small café will be operated from a separate building adjacent to the lodge and, from time to time, a marquee may be erected in the grounds to cater for weddings and other functions. An open-sided barn may also be used for concerts and parties.

Alcohol will be sold for consumption on and off the premises with off-sales being sourced from areas inaccessible to the public. There is no permanent bar counter within the lodge and a temporary counter would be set up if and when required. Alcohol within the café will be sold from a servery. Sales of alcohol within the café will not be restricted to persons taking a table meal on the premises.

The applicant may operate an “honesty bar” facility which will be run in accordance with a method of operation acceptable to the Licensing Board and which will form a part of the operating plan for the premises.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement 2013-18
- (iii) The Highland Licensing Board Equality Strategy
- (iv) Schedule of Local Conditions

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 condition(s) 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 hrs 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.
- h. Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.
- 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.

7.3 Special local condition

The Board may wish to consider attaching the following special condition(s):

1. The "honesty bar" must be operated in accordance with the method of operation of honesty bar statement provided with the operating plan for the premises.

7.4 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 hours (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, special and late opening conditions detailed at paras 7.2, 7.3 and 7.4 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 objection in question.

Reference: HC/CSR/1766
Date: 26 April 2016
Author: L Gunn
Background Papers: The Licensing (Scotland) Act 2005