

## The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	6.3
Report No	HLB/060/16

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

The Silverfjord, Ruthven Road, Kingussie, PH21 1ES

#### 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 The Silverfjord, Ruthven Road, Kingussie.

#### 1.0 Description of premises

1.1 The Silverfjord is situated in its grounds close to the railway station in Kingussie and consists of six guest bedrooms, lounge bar, public bar, restaurant and function room catering for up to 60 people.

#### 2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

##### On sales:

Sunday to Thursday: 1100 hours to 2400 hours  
Thursday to Saturday: 1100 hours to 0100 hours

The applicant seeks the following **off-sale** hours:

##### Off sales:

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 24 May 2016 the Licensing Board received an application for the grant of a premises licence from Silverfjord Kingussie Limited.

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 6 June until 27 June 2016 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 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 LSO has provided the following comments:-

(i) The Silverfjord Hotel is a detached building situated on Ruthven Road, Kingussie, with its own small off road parking area.

(ii) The premises have recently not been trading since the last owners surrendered the premises licence. The building is substantial and has been visited on several occasions by the LSO while under previous ownership. It is suitable for the sale of alcohol in the manner described within the operating plan submitted by the new owners.

(iii) The necessary section 50 certificates in respect of planning, building standards and food hygiene have been submitted with the application as have a full set of lay out plans of acceptable standard.

(iv) The hours applied for within the operating plan are within the policy hours of the Highland Licensing Board policy statement.

(v) The operating plan submitted by the applicant is in the opinion of the LSO suitable to meet the requirements of the licensing objectives.

(vi) The operating plan includes three small outside areas for use as outside drinking areas. These are relatively small and are all included within the licensed footprint detailed on the layout plans. There is another residential property fairly close by and as per its past historical operation, the LSO is recommending a terminal hour of 2300 hours for consumption of alcoholic and non alcoholic drinks in the outside drinking areas. This was the previous restriction and no complaint was ever received from occupants of neighbouring noise sensitive properties.

(vii) It is requested that the operating plan include the activities of live performances, recorded music and dance facilities. Again, with the third licensing objective in mind, a specific condition requiring windows and doors to be closed during the exercise of these activities, has been recommended by the LSO.

(viii) Ability to open for an extra hour on Christmas Eve and Hogmanay has been requested as a seasonal variation. These dates are historically embraced within the Licensing Board's festive hours policy and are seen as reasonable by the LSO.

(ix) A letter has been received from Kingussie Community Council raising two minor issues. First, the matter of coaches dropping off customers for morning coffee has been raised, as the Hotel's off street parking would not be able to accommodate large buses. Whilst this is a concern, there are alternative parking options within Kingussie which could be explored and resolution is outwith the remit of the Licensing Board. Secondly, a pertinent comment has been made in respect of the proximity of private residences in Spey Street,

Market Lane and Gynack Road which potentially, could be affected by noise. This is an issue for the licence holder to manage and, from the substantial licensing history of the premises, it has not caused issues previously.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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 condition(s) from the schedule of local conditions:

(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 (b) children must not sit or remain at the bar counter at any time.

(e) After 2300 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.

(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 conditions

The Board may wish to consider attaching the following special conditions:

- (1) During the playing of any live or recorded music all windows and door will remain shut. (licensing objective 3).
- (2) On any occasion when the premises are open after 0100 hrs:
  - A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hours.
  - A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs. (licensing objectives 1 and 2).

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s). 7.2 and 7.3 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/596

Date: 5 July 2016

Author: Marjory Bain

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

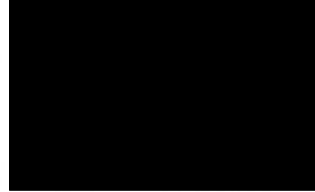
Comments from Kingussie and Vicinity Community Council



## KINGUSSIE AND VICINITY COMMUNITY COUNCIL

Clerk to the Board  
Susan Blease  
Regulatory Services  
The Town House  
Inverness

Replies to:



Tel.:

Email:

9<sup>th</sup> June 2016

**Application for new grant of premises licence  
The Silver Fjord, Ruthven Road, Kingussie PH21 1ES**

**Your Ref: MB/HC/INBS/596**

Dear Ms Blease,

With reference to the application for the above licence. While not objecting to this application we have concerns with regard to "bus parties stopping for morning coffee" (page 8), as we are aware that the premises only have a limited amount of parking, which is insufficient to accommodate bus or coach parties. This raises issues as to where any visiting coaches/buses would drop off or park?

Our second concern relates to the hours of operation. While aware that the hours requested are standard (11.00 – 24.00/01.00), we are mindful that the Hotel is located close to extra sheltered housing (Abbeyfield House, Spey Street) and private residences on Market Lane and Gynack Road. Consequently we would ask that care is taken to minimise the risk of noise or disturbance to nearby residents.

Yours sincerely,



Ailsa Schofield  
Chairwoman  
Kingussie & Vicinity Community Council