

The Highland Licensing Board

Meeting – 4 October 2016

Agenda Item	8.3
Report No	HLB/084/16

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

The Way Inn (adjacent to Kings House Hotel), Glencoe, Ballachulish PH49 4JA

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the grant of a temporary premises licence in respect of The Way Inn, (adjacent to Kings House Hotel), Glencoe, PH49 4JA.

1.0 Description of premises

1.1 The Way Inn is a single storey building situated in an isolated rural location adjacent to the Kings House Hotel in Glencoe and will comprise a café/ bar, toilets, office, store and associated kitchen facilities. There will be an outdoor drinking area located at the front of the premises.

The premises will operate as a temporary bar to serve guests of the Kings House Hotel Bunkhouse whilst the main Kings House Hotel undergoes development work. The premises will also serve members of the public including walkers of the West Highland Way and others on outdoor pursuits.

Ancillary staff accommodation will also be located within the premises but will not be included within the footprint of the licensed premises.

2.0 Operating hours

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

On sales:

Monday to Saturday: 1100 hours to 0100 hours
Sunday: 1230 hours to 0100 hours

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

Off sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

3.1 On 31 August 2016 the Licensing Board received an application for the grant of a temporary premises licence from Kings House Glencoe Ltd, 5 Atholl Place, Perth, PH1 5NE.

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 31 August 2016 until 21 September 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: www.highland.gov.uk/liquorlicence

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 Kings House Hotel is an historical country hotel situated in Glencoe near to the A82 trunk road and the West Highland Way walking route. The hotel has an excellent operating history in terms of alcohol and good systems of diligence are in place.
- (ii) The hotel is an historical building and a large scale refurbishment will take place at the end of October which will effectively see the hotel and the entirety of the present licensing footprint closed down.
- (iii) It is the plan of the licence holders to keep operating with a purpose built bunk house which will provide accommodation and will be unlicensed and with temporary bar facilities provided within a designated temporary wooden hut which will also house toilet and kitchen provision.
- (iv) The temporary premises were visited by the LSO on 8 September, 2016 and are commodious and well fitted out. It is the opinion of the LSO that they are entirely suitable for the sale of alcohol as has been described within the operating plan included within this application.
- (v) The hours requested are within the policy hours of the Highland Licensing Board. The necessary sign off from Building Standards has been secured for use by the public.
- (vi) The LSO foresees no adverse impact on the licensing objectives should the Board be minded to grant this application.

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 conditions 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.

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/RSL/1791

Date: 22 September 2016

Author: IC/JT

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

Appendices: None