

**The Highland Licensing Board**

**Meeting – 4 October 2016**

Agenda Item	10.4
Report No	HLB/092/16

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

**Achnagairn House, Kirkhill, Inverness, IV5 7PD**

**Report by the Clerk to the Licensing Board**

**Summary**

This Report relates to an application for a major variation of premises licence by Gillian Lacey-Solymar, 3 Lyndhurst Gardens, London, NW3 5NS.

**1.0 Description of premises**

1.1 24 bedroom Edwardian mansion in a rural location on the outskirts of the village of Kirkhill. Restaurant on estate with 45 covers, consists of mature private gardens extending to approximately 15 acres.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Saturday: 1100 hours to 0100 hours

Sunday: 1200 hours to 2400 hours

**3.0 Summary of variation application**

**3.1 Variation sought**

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

(1) Opening a new on-site restaurant, 'Table Manors' on the estate of Achnagairn House, for consumption both on and off premises (off sales for resident estate guests to consume in their self-catering accommodation).

(2) Description of the premises will read '24 bedroom Edwardian mansion in a rural location on the outskirts of the village of Kirkhill. Restaurant on estate which consists of mature private gardens extending to approximately 15 acres.'

(3) Capacity to increase from 552 to 612.

(4) Provision of off sales from 1200-2200 hours each day.

#### **4.0 Background**

4.1 On 23 August 2016 the Licensing Board received an application for a major variation of a premises licence from Gillian Lacey-Solymar.

4.2 The application was publicised during the period 25 August until 15 September 2016 and confirmation that the site notice was displayed has been received.

4.3 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.

4.4 Notification of the application was also sent to NHS Highland and the local Community Council.

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:-

(i) Achnagairn House, Kirkhill has held a premises licence for a number of years and has a trouble free operating history.

(ii) Application has been received from the premises licence holder to vary the existing premises licence to include within the licensed area, a new purpose built 60 cover restaurant "Table Manors".

(iii) The premises have been inspected by the LSO, are very well appointed and are suitable for the sale of alcohol. The existing hours already applicable on the licence will continue to apply.

(iv) The restaurant is part of an additional development to the Achnagairn Estate comprising of a small estate of detached lodges owned and operated by the licence holders, the lodges, do not come under the licensed area, however, the restaurant has applied for the facility to offer off sales, in order that lodge residents will be able to purchase bottles of wine, etc., to consume within their nearby accommodation. The LSO is of the opinion that this is in keeping with the licensing objectives.

(v) The restaurant has operated for several weeks under the authority of occasional licences without any adverse comment.

(vii) Statutory consultation processes have been carried out and have not thrown up any objections or representations.

(viii) It is the LSO's opinion that should the Board be minded to grant this variation, there will be no adverse impact in respect of the licensing objectives.

## **7.0 HLB Local Policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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**

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

### **8.3 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/INBS/488

Date: 20 September 2016

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