

The Highland Licensing Board

Meeting – 7 February 2017

Agenda Item	7.1
Report No	HLB/013/17

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

Letterfinlay Lodge Hotel, Spean Bridge, PH34 4DZ

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 Letterfinlay Lodge Hotel, Spean Bridge.

1.0 Description of premises

1.1 The Letterfinlay Lodge Hotel is a two storey premises situated within its own grounds and located approximately 7 miles from the village of Spean Bridge on the shores of Loch Lochy, adjacent to the A82 trunk road at Letterfinlay.

On the ground floor of the premises the accommodation comprises a main lounge with bar area, three lounge/seating areas, dining room, pool room, kitchen and toilet facilities. There is ancillary staff accommodation situated on the ground floor to the rear of the premises.

The first floor of the premises comprises thirteen letting bedrooms.

The outdoor drinking area comprises a decked area which may be accessed from the lounge bar.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 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 12 December 2016 the Licensing Board received an application for the grant of a premises licence from Caterquick Limited per Anderson Beaton Lamond, Bordeaux House, 31 Kinnoull Street, Perth, PH1 5EN.

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 20 December 2016 until 10 January 2017 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://highland.gov.uk/hlb_hearings

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 Letterfinlay Hotel is a substantial Hotel, which is a detached building situated within its own substantial grounds on the shores of loch Lochy, Spean Bridge, with access directly off the main A82 public road.

(ii) The Hotel has had a long licensing history without any issues. In 2016 following sequestration the premises licence was not transferred within the statutory 28 day period and accordingly ceased to have effect.

The applicants are seeking a fresh premises licence in order to bring the Hotel back into operation once again.

(iii) The application has been accompanied by the necessary Section 50 certificates and following the statutory public consultation no objections or representations have been received. The operating plan which has been submitted is in the view of the LSO compliant with all 5 of the licensing objectives.

(iv) The site notice has been confirmed as having been displayed for 21 days.

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:

- 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, or the child is resident in the Hotel and is accompanied by another adult resident. 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. (Licensing Objective 5).
- 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.
- 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

On any occasion when the premises are permitted to open after 0100 hours the following conditions shall apply:

- (1) 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).
- (2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours. (local condition) (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 and special conditions detailed at paras. 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/RSL/1803

Date: 24 January 2017

Author: SB:IC/JT

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