

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	10.9
Report No	HLB/044/17

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

Glencoe House, Glencoe, PH49 4HT

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Roger Niemeyer.

1.0 Description of premises

1.1 Glencoe House is a four storey Victorian house which is situated within 10 acres of private grounds, a short distance from the village of Glencoe. Currently, the premises consists of seven spacious guest suites which are located on the basement, ground, first and second floors of the premises.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Variation to layout plan – extend the footprint of the premises to include separate building known as The Bell Tower (former Stable Block) which will comprise of six new guest suites.
- (2) Revise description of the premises to reflect additional six guest suites.

3.0 Background

- 3.1 On 15 February 2017 the Licensing Board received an application for a major variation of a premises licence from Roger Niemeyer.
- 3.2 The application was publicised during the period 20 February 2017 to 13 March 2017 and confirmation that the site notice has been displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & 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, whilst no objections have been received, the following timeous representations from the Planning Authority and Building Standards Service have been received in respect of the application:

- Representation dated 21 February 2017 received from the Planning Authority indicating that development has been undertaken in breach of planning conditions and not undertaken in accordance with approved plans, namely additional outdoor terracing in place of car parking area.
- Representation dated 28 February 2017 received from the Building Standards Service indicating that a completion certificate is required for outstanding works.

The applicant has been informed of the above representations and has been requested to contact Planning and Building Standards with a view to resolving the issues.

3.6 The applicant and a representative from the Planning & Building Standards Service have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and 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 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.

4.2 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- Application has been made to increase the licensing footprint of Glencoe House by including in the licensed area a former stable block which houses six suites.
- The premises operate very much as a high end retreat and wedding venue and the operating history has been satisfactory. Previous visits to the location carried out by the LSO have shown good standards of compliance.
- Updated layout plans have been submitted with the application and the premises licence description has been modified to take into account the increase in estate.
- The major variation has been properly advertised and the applicant has been advised of the representations which have been received from the Planning & Building Standards Service.
- The opinion of the LSO is that should the Board be minded to grant the variation then there will be no compromises as far as the licensing objectives are concerned.

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

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

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/1645

Date: 14 March 2017

Author: SB:IC/JT

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