

The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	12.6
Report No	HLB/064/17

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

Nessieland, Drumnadrochit, Inverness-shire, IV63 6TU

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Loch Ness Lodge Hotel Company Ltd, Drumnadrochit.

1.0 Description of premises

1.1 Nessieland is run as a visitor centre, housing an exhibition and cinema presentation about the Loch Ness monster. It has an extensive gift shop and on and off sales are offered within the coffee shop. The outside drinking area is also included within the licensed area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Offer on-sales within the cafeteria/coffee shop.
- (2) Amend sections of operating plan to reflect full range of activities.
- (3) Insert children's policy within operating plan.
- (4) Amend capacity number of coffee shop and outside drinking area.
- (5) Layout plans amended to show coffee shop and outside drinking area as part of licensed premises.

(6) Amendment to description: “on sales are offered within the coffee shop area. Sales by waitress service, there is no bar counter. The outside drinking area is also included within the licensed area.”

4.0 Background

- 4.1 On 27 February 2017 the Licensing Board received an application for a major variation of a premises licence from Loch Ness Lodge Hotel Company Ltd.
- 4.2 The application was publicised during the period 13 March until 3 April 2017 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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://highland.gov.uk/hlb_hearings

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) The premises referred to within the application are currently run as a visitor centre, housing an exhibition and cinema presentation about the Loch Ness monster. There is also an extensive gift shop and a small off sales section offering whisky miniatures and local beers.

(ii) The premises have always had a small coffee shop which is popular with tourists and offers a full meals menu. To date, on sales have not required to be part of the facilities on offer.

(iii) In response to customer demand, an application has been lodged to sell on sales within the café area. A start time of 0900 hours has been asked for, purely as many of the attendees are foreign tourists. The premises have been checked by the LSO and they do conform to a "food led" premises, as described within the Board's policy statement and are, therefore, eligible for making application for these early opening core hours. It is envisaged that, sales will be made by customers placing orders with waiting staff.

(iv) Within the application, the range of activities within section 5 of the operating plan has now been expanded, in order to give greater breadth and flexibility to the premises use. A children and young person policy has been created at section 6 of the operating plan and, it is the opinion of the LSO, compliant with the fifth licensing objective.

(v) An external patio area which is used to provide external seating for the cafeteria customers' has been requested to be included within the licensing footprint of the premises. Updated layout plans have been submitted.

(vii) The description of the premises has been updated in order to include the foregoing amendments. The outdoor drinking area is not proposed to be conditioned by the LSO, as its hours of operation and the location of the premises mitigate against any issue with the licensing objectives. Updated layout plans have been submitted along with the application.

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

There are no existing local conditions and it is not considered necessary to attach any.

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/303

Date: 6 April 2017

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