

The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	12.10
Report No	HLB/068/17

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

Garve Hotel, Garve

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Hart Hotels Ltd.

1.0 Description of premises

1.1 The premises were granted a premises licence, on transition, on 1 September 2009. The premises operate as a traditional hotel with a bar, restaurant, function suite and associated facilities.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturdays: 1100 hrs to 2300 hrs
Sundays: 1230 hrs to 1430 hrs and 1830 hrs to 2300 hrs

Off sales:

Monday to Saturday: 1100 hrs to 2200 hrs
Sundays: 1230 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

1. Increase licensed hours for on-sales on a Friday, Saturday and Sunday to terminate at 0100 hrs the following day.
2. Increase licensed hours for on-sales on a Sunday to commence at 1100 hrs and terminate at 0100 hrs the following day and for off-sales to commence at 1100 hrs.
3. Change of premises manager

4.0 Background

- 4.1 On 25 April 2017 the Licensing Board received an application for a major variation of a premises licence from Hart Hotels Ltd.
- 4.2 The application was publicised during the period from 1 to 22 May 2017 and confirmation that the site notice was displayed is awaited.
- 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://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.

5.3 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:-

6.2 Following a review of trading opportunities and customer demand the applicant now seeks to increase licensed hours, Friday to Sunday, to terminate at 0100 hrs the following day. They also wish to remain open throughout the day on a Sunday commencing from 1100 hrs. Off-sales hours on a Sunday will also commence at 1100 hrs.

6.3 The change of premises manager is a routine administrative matter and does not require to be considered by the by the Board.

6.4 The requested hours are within Board policy and should not conflict with any licensing objective. I have no cause to object to the grant of this variation 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
- (3) Highland Licensing Board Policy Hours

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

No change to local conditions.

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/CSR/1017
Date: 23 May 2017
Author: G Sutherland
Background Papers: The Licensing (Scotland) Act 2005/Application Form