

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.2
Report No	HLB/064/18

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

Richmond House Hotel, 5 Main Street, Fort Augustus, PH32 1BD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Richmond House Hotel, 5 Main Street, Fort Augustus, PH32 1BD.

1.0 Description of premises

1.1 Small hotel with public bar and dining area in the centre of Fort Augustus.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Friday: 1100 hours to 0100 hours
Saturday: 1100 hours to 0030 hours
Sunday: 1230 hours to 2400 hours

Off sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1230 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) Sunday on and off sales to commence at 1100 hours.
- (2) On sales terminal hour on Saturday and Sunday to be extended to 0100 hours.

(3) Seasonal variations to allow operating according to Licensing Board Festive Policy.

(4) Alter wording of children's policy to read:

Terms: 'Children and young persons will be welcome on the premises when with a supervising adult.

Ages: 0-17 in line with section 6(b).

Times: Children and young persons will be allowed access at management discretion throughout the operating hours. This reflects a family emphasis of the premises and the fact that patrons, may also be residential guests.

Parts: Children and young persons will be allowed access to all public areas.'

(5) Delete current text within section 5(f), i.e. 'When the season end, we take the tables and chairs out of the dining area and put in a pool table, for the Winter, as no meals are being served in that area.

During the off season, as no meals are being served in the bar area, a dining area, no person under 18 are permitted in these areas.'

4.0 Background

4.1 On 30 April 2018 the Licensing Board received an application for a major variation of a premises licence from Richmond House Hotel Ltd.

4.2 The application was publicised during the period 7 May until 28 May 2018 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://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. that 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 the same or similar description as the subject premises, in the locality.

5.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.3 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.

5.4 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 Richmond House Hotel is situated within the centre of the village of Fort Augustus. It comprises of a bar/dining area with outside drinking facility and also offers accommodation via a small number of bedrooms.

(ii) The premises have a satisfactory operating history and compliance visits carried out by the LSO, have shown good levels of diligence by the current proprietors.

(iii) The premises are situated in a mixed commercial and residential area.

(iv) Originally the application included a request to extend core trading hours on Saturday and Sunday until 0100 hours. This part of the application attracted strong representations from neighbours via the statutory consultation process, who although supportive of local business, had concerns that an increase in hours may cause additional noise and anti-social issues. Consequently, the applicant taking due cognisance of these concerns has retracted this part of the application. The representations have subsequently been withdrawn. In addition, the applicant has voluntarily accepted a condition to restrict the outside drinking area's operation to a maximum of 2230 hours for the consumption of alcoholic and non-alcoholic drinks.

(v) Also within the application is a request to enable Sunday trading to commence from 1100 hours for both on and off sales; this is within current Board Policy hours and in the view of the LSO, will not affect the licensing objectives adversely. Seasonal variation to allow automatic claim to extended hours in line with the Board's festive policy is requested and again, is seen as reasonable to allow the celebration of Hogmanay and the like. Current text within the operating plan at section 5(f) is requested to be removed as it relates to a historical seasonal use of the bar area in winter which will not be undertaken by the current owners.

(vi) The main part of the application relates to an expansion of the children and young persons' policy to allow their presence throughout licensed hours in the company of adults at management discretion; as the bar area doubles as a lounge area for residents, in which food is served until 2200 hours, this is seen as reasonable and in keeping with the fifth licensing objective by the LSO.

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 it is recommended that the following additional local conditions be attached:

(e) After 2230 hours alcoholic and non-alcoholic drinks shall not be consumed in an outdoor drinking area.

(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.

8.3 Special conditions

The Board may wish to consider attaching the following special conditions:

(1) During any live performance or the playing of recorded music all windows and doors shall be kept closed.

(2) A written noise management plan acceptable to the Highland licensing board, must be in place and all operations within the operating plan are to be conducted in accordance with the noise management plan.

On any occasion where the premises are open after 0100 hours, the following conditions shall apply:

(3) 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),

(4) 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/special conditions detailed at paras. 8.2 and 8.3 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/INBS/400
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