

The Highland Licensing Board

Meeting – 2 October 2018

Agenda Item	10.1
Report No	HLB/097/18

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

Suie Hotel, Kincaig, Kingussie, PH21 1NA

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Wilfred Michael Welding, Suie Hotel, Kincaig, Kingussie, PH21 1NA.

1.0 Description of premises

1.1 Suie Hotel offers a comfortable and homely stay, situated on the outskirts of Kincaig with lovely views of the garden and beyond to the Cairngorm Mountains.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday: 1700 hours to 2300 hours
Friday to Saturday: 1700 hours to 0100 hours
Sunday: 1600 hours to 2300 hours

Off sales:

Monday to Saturday: 1700 hours to 2200 hours
Sunday: 1600 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-Thursday on sales to commence at 1100 hrs and terminate at 2400 hrs; Saturday-Sunday commence at 1100 hrs and terminate at 0100 hrs.

(2) Children's Policy to be amended at 'times' to read: 'Throughout the core opening hours at management discretion.'

(3) Yes to: Restaurant facilities, Music, Live performances, indoor/outdoor sports and televised sport (facilities in column 4 may be offered to guests according to demand out with core hours).

(4) Under other activities: Take away meals may be offered to customers.

(5) Yes to seasonal variations to read: 'premises will operate extended hours at Hogmanay in line with Board Festive Hours extensions.'

4.0 Background

4.1 On 2 July 2018 the Licensing Board received an application for a major variation of a premises licence from Wilfred Michael Welding.

4.2 The application was publicised during the period 16 July until 6 August 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) Application has been received from the applicant who wishes to vary the current premises licence of the Suie Hotel to offer a greater breadth of service to the public.

(ii) The on and off sales for the premises will now commence on a Monday to Sunday basis from 1100 hours. Alteration has further been made to the terminal hours for on sales, all changes remain within the Highland Licensing Board's current policy on operating hours.

(iii) Seasonal variations have been added to the operating plan to allow the premises to operate in conjunction with any festive extensions offered by the Highland Board.

(iv) The range of activities has been expanded at section 5 of the operating plan to allow provision of food, music/live performances, the use of television and the installation of a pool table or darts board for customer enjoyment.

(v) Lastly, the children and young persons' policy has been broadened to allow access throughout operating hours, under adult supervision. The LSO is comfortable that this is suitable for the type of premises and their location in a prime tourist area, abounding in self-catering and other accommodation nearby.

(vi) It is the opinion of the LSO, that these variations are very much in keeping with the licensing objectives.

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 condition be attached:

(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

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para 8.2 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/70
Date: 6 September 2018
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