

The Highland Licensing Board

Meeting – 6 November 2018

Agenda Item	9.2
Report No	HLB/114/18

Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

Speyside Hotel, 43 Grant Road, Granttown on Spey, PH26 3LD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Speyside Hotel, 43 Grant Road, Granttown on Spey, PH26 3LD.

1.0 Description of premises

1.1 The Speyside Hotel is situated in its own grounds in the centre of Granttown, 15 miles from Aviemore and consists of 19 bedrooms, bar, conservatory, dining room, reception area, gardens and car park.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 16 August 2018 the Licensing Board received an application for the provisional grant of a premises licence from Speyside Hotel Ltd.

The application was accompanied by the necessary section 50 certification in terms of Planning.

3.2 The application was publicised during the period 17 September until 8 October 2018 and confirmation that the site notice was 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, the following timeous notice(s) of representation has been received and is appended:

T Westbrook & J Douglas, Sonas, Mackay Avenue, Grantown on Spey, PH26 3EU

3.6 The applicant and the objectors have been invited to attend the hearing. They 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 are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. that having regard to;
 - (i) the nature of the activities 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, or
5. 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.

4.2 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.

4.3 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) A provisional premises licence application has been submitted in respect of The Speyside Hotel, Grantown on Spey. This is a substantial detached hotel situated within extensive grounds in Grantown on Spey; the premises previously held an alcohol premises licence when trading as the Coppice Hotel. The premises licence was ultimately surrendered until new owners took over the premises. The new owners are in the process of restoring it to a residential hotel.

(ii) The premises have been visited by the LSO and are suitable for the sale of alcohol. The hours applied for are within the policy hours of the Highland Licensing Board. The necessary section 50 certificate in relation to planning has accompanied the application.

(iii) The necessary statutory consultation has been carried out and one representation has been received from T Westbrook and J Douglas, Sonas, Mackay Avenue, Grantown on Spey. This representation asks for the main licensing on sales hours to be curtailed until 2300 hours from 0100 hours termination which has been applied for. This is for reasons of potential community nuisance, as covered by the third licensing objective. Similarly, it has been requested that the facility of an outside drinking area be removed for the same reasons.

(iv) From the operating plan submitted, the LSO is content that the range of activities and policies in place are compliant with the licensing objectives. In view of the proximity of residential property as alluded to within the representation, the LSO has suggested a condition that the outside drinking area should be restricted to 2300 hours for the consumption of alcoholic and non-alcoholic beverages. Also no music whether live or recorded shall be played within the outside drinking area.

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the schedule of local conditions:

(a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.

(b) Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.

(c) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar at any time.

(e) After 2300 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.

7.3 Special conditions

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

(1) No music whether live or recorded will be played within the outside drinking area (Licensing Objective 3)

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. 7.2 and 7.3 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/628

Date: 22 October 2018

Author: Marjory Bain

Appendix: T Westbrook and J Douglas, Sonas, Mackay Avenue, Grantown on Spey.

T Westbrook & J Douglas
Sonas
Mackay Avenue
Grantown on Spey
PH26 3EU

8 October 2018

RE: Licensing application Speyside Hotel, 43 Grant Road, Grantown on Spey, PH26 3LD

Dear Sir/Madam --

We would like to register an official REPRESENTATION to the above licence under category 2, seeking an amendment to the operating plan, as well as category 3, seeking to add additional conditions to the licence.

On Category 2, we feel the on-sales licensing hours as requested between 11.00 hours and 01.00 would be contrary to residential amenity in the area of Grant Road, Mackay Avenue, Coppice Court, Chapel Street and Dulaig park.

We request the hours as described are CURTAILED to an 11pm (23.00 hours) closing time each night of the week.

This is for two main reasons:

- * the hotel is located in, and immediately adjacent on four sides, to an area otherwise dedicated to residential properties which are largely family-occupied. Operating a licensed premise until 01.00 each night would be a marked and unwelcome contrast to an otherwise quiet neighbourhood
- * the hotel is located within a very short distance of other existing licensed premises on the commercial area of the High Steet which are very accessible far more appropriate for late-licence activity for those guests that wish to continue their evening beyond an earlier closing

On Category 3, we would like to recommend the following ADDITIONAL CONDITIONS:

- * no outdoor drinking in the grounds of the hotel, to limit impacts on noise and general amenity particularly for the large number of residential houses immediately adjacent
- * no outdoor drinking for the second reason that the hotel is in an area frequented by children at all times of the day and evening and near to playparks and playfields, and it would be inappropriate to have a culture of outdoor drinking in such an area

* a requirement that the hotel removes any entrance/egress through the grounds onto Mackay Avenue and instead uses only the main driveway off Grant Road for customers, to prevent associated traffic, disturbance and commercial-scale footfall in the residential areas behind the hotel

* a formal requirement on the hotel to keep its grounds and adjacent public areas free of litter from off-sales bottles and cans, from any glasses that leave the hotel and/or from other associated rubbish

We would make a further request that associated music either in the form of a band or a DJ for events etc, be restricted to our suggested amended licensing hours.

If you would like further information and/or need any clarification, please do not hesitate to get in touch through any means.

Best regards,

T Westbrook & J Douglas
01479 873728