

The Highland Licensing Board

Meeting – 25 June 2019

Agenda Item	9.3
Report No	HLB/064/19

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

Cluanie Inn, Glenmoriston, Inverness-shire, IV63 7YW

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Mars Black Sheep Hotels Limited (formerly Mars Invergarry Hotel Limited), 9 Thornton Place, London, W1H 1FG.

1.0 Description of premises

1.1 The premises is a 13 bedroom hotel with bar, restaurant, filling station and 3 bedroom clubhouse situated in a rural location.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Change of name of premises licence holder from Mars Invergarry Hotel Limited to Mars Black Sheep Hotels Limited;
- (2) Amend premises description;
- (3) Q5 of operating plan - remove "films" from list of activities;
- (4) Increase capacity from 97 to 173;
- (5) Change of premises manager;
- (6) Amendment to layout plans – revised plans have been submitted including the entirety of the premises within the licensed footprint thereby increasing the capacity of the premises as reflected in the operating plan.

3.0 Background

- 3.1 On 8 May 2019 the Licensing Board received an application for a major variation of a premises licence from Mars Black Sheep Hotels Limited.
- 3.2 The application was publicised during the period 17 May 2019 until 7 June 2019 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, no timeous objections or representations have been received.
- 3.6 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

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 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.

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 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) The premises are a rural hotel offering accommodation and bar facilities. The premises occupy a main detached building with a separate small annex all coming within the licensing footprint.
- (ii) As this is a very rural area of Glenmoriston the premises operate petrol and derv fuel pumps on the site. There is no garage shop and fuel sales are paid for at the hotel. The primary business is that of a hotel which has operated successfully for a number of years without any adverse issues. Regular visits have been made by the Licensing Standards Officer who has found the premises to be well run in accordance with the terms of their licence.
- (iii) The premises transferred to the Mars Hotel Group in 2018, after which the hotel has undergone major refurbishing works which have resulted in the creating of more bedrooms, a dedicated restaurant area, various facets of building alteration and internal reorganisation. The refurbishments have been fully recorded on a revised set of layout plans and also a revised description incorporated within the premises licence. As a result of the recent works there has been an uplift in the occupancy capacity from 97 to 173 persons.
- (iv) In addition section 5 of the operating plan has undergone some minor adjustment in that films are no longer an activity which is offered.
- (v) The operating plan has been overviewed by the LSO who is of the opinion that the premises will continue to operate according to the licensing objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

7.3 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/RSL/1501
Date: 10 June 2019
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