

The Highland Licensing Board

Meeting – 6 August 2019

Agenda Item	8.5
Report No	HLB/075/19

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

Whispering Pine Lodge (formerly Letterfinlay Lodge Hotel), Letterfinlay, Spean Bridge, PH34 4DZ

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, 9 Thornton Place, London, W1H 1FG.

1.0 Description of premises

1.1 The Whispering Pine Lodge (formerly known as Letterfinlay Lodge Hotel) is situated within its own grounds and located approximately 7 miles from the village of Spean Bridge on the shores of Loch Lochy, adjacent to the A82 trunk road at Letterfinlay.

When the refurbishment of the premises has been completed, the basement of the premises will comprise of four letting guest rooms and a spa area. The ground floor of the premises will comprise of a main lounge, bar, restaurant, kitchen, toilet facilities, staff accommodation and six letting guest rooms. The first floor of the premises will comprise of fifteen letting guest rooms.

The outdoor drinking area will comprise of a decked area which may be accessed from the lounge. Also within the grounds and licensed area will be two separate self-contained letting apartments (each with 3 bedrooms and balconies).

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hours

Off sales:

Monday to Sunday. 1100 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) Increase core off-sale opening hours to 1000 hours (previously 1100 hours).
- (2) Update children's policy to reflect changes within premises.
- (3) Increase on-sales capacity from 140 persons to 167 persons.
- (4) Revised layout of premises following complete reconfiguration of premises including an additional basement area accommodating guest bedrooms and spa/treatment rooms; addition of two self-contained letting apartments within grounds of premises and increase in number of guest bedrooms from 13 to 25.
- (5) Revision to description of premises to reflect refurbishment of hotel.
- (6) Other activities that will be provided in addition to supply of alcohol to include professional spa treatments.
- (7) Change of name of premises to Whispering Pine Lodge (formerly Letterfinlay Lodge Hotel).

4.0 Background

- 4.1 On 21 May 2019 the Licensing Board received an application for a major variation of a premises licence from Mars Black Sheep Hotels Limited, 9 Thornton Place, London, WH1 1FG per Twin Deer Law, Lochaber Rural Complex, Torlundy, Fort William.
- 4.2 The application was publicised during the period 27 June 2019 until 18 July 2019 and confirmation that the site notice was displayed has been received.
- 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://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:-

- (1) The Whispering Pine Lodge is a detached Victorian building standing in substantial grounds adjacent to the A82 public road at Letterfinlay, Spean Bridge. The premises have held an alcohol premises licence since transition in 2009 and have operated under different owners as a traditional hotel, with a trouble free operating history.
- (2) In 2018 the hotel was transferred to Mars Black Sheep Hotels Ltd who have commenced a large scale refurbishment of the hotel and a modernisation of the operating plan which has given rise to this major variation application. The variation has been overviewed by the Licensing Standards Officer who is satisfied that it is compliant with Board Policy and the licensing objectives.
- (3) A three storey extension has been added to the main hotel, which has seen the guest bedrooms increase from 13 to 25. A spa treatment room has been added in the basement. Within the hotel grounds which are within the licensing footprint, two three bedroom apartments have been built.
- (4) The facility to sell off sales seven days per week has been added to the operating plan on a 1000 to 2200 hours basis. Whilst demand will not be high, this is purely offered as an ancillary service to guests.
- (5) The operation of the spa treatment facility has been added to section 5(f) of the operating plan. With the increase in bedroom capacity, the on sales capacity has been duly amended at section 7 of the operating plan. The description of the premises has been revised in order to reflect the changes made.
- (6) Following the statutory consultation period in respect of the application, no objections or representations have been received by the Board.
- (7) The Licensing Standards Officer is satisfied that should the Board see fit to grant this application then there will be no adverse effect in respect of the licensing objectives.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 no additional local conditions are considered necessary.

8.3 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/1803
Date: 19 July 2019
Author: Ian Cox/Julie Traynor