

The Highland Licensing Board

Meeting – 3 December 2019

Agenda Item	8.1
Report No	HLB/112/19

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

Drumossie Hotel, Old Perth Road, Inverness, IV2 5BE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Drumossie Hotel Ltd, Grange Manor Hotel, Glensburgh, Grangemouth, FK3 8XJ.

1.0 Description of premises

1.1 Drumossie Hotel is set in nine acres of parkland with wonderful views over the Moray Firth and approximately 3 miles south east of Inverness City Centre. It is a detached property offering 44 bedrooms, restaurant, ballroom/function/conference suite and ancillary accommodation associated with a hotel of this size and quality.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 0100 hours
Sunday: 1200 hours to 2400 hours

Off sales:

Monday to Saturday: 1000 hours to 2200 hours
Sunday: 1200 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) To allow for the provision of the following activities or services, all to be provided within core licensing hours: films, gaming, indoor and outdoor sport and televised sports.
- (2) To amend Sunday on-sales hours to commence at 1100 hours and terminate at 0100 hours.
- (3) To re-insert the following wording at Q5 on the operating plan (this has never been the subject of variation, and ought to still appear, but it does not): -

"The premises will be open outwith their core on sales times for the accommodation of hotel residents and their guests. Background music may be provided at any time. The premises will also be open outwith core on sales times in connection with breakfasts, teas and coffees, conferences, club meeting, functions, receptions, parties or funeral teas, when restaurant, musical and other entertainment facilities may be available."

4.0 Background

- 4.1 On 8 October 2019 the Licensing Board received an application for a major variation of a premises licence from Drumossie Hotel Ltd.
- 4.2 The application was publicised during the period 21 October until 11 November 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:-

- (i) The Drumossie Hotel is a large hotel situated on the outskirts of Inverness set in its own substantial grounds.
- (ii) The hotel has held an alcohol premises licence since 2009 and compliance visits carried out by the LSO, have shown there to be strong standards of diligence in respect of the current licensing legislation.
- (iii) An application has been submitted to vary the premises licence. Sunday trading hours are requested to be amended to allow on sales of alcohol between 1100 and 0100 hours. In addition, the list of activities contained within section 5 of the operating plan has been broadened to incorporate the activities of gaming, indoor and outdoor sports and televised sport. An ancillary statement is to be included within this section, to reflect that the hotel offers a range of services to guests and customers out with licensed hours.

- (iv) The LSO has reviewed these changes and finds them to be compliant with current Board policy hours with no adverse impact on any of the licensing objectives.
- (v) Following the statutory consultation phase of this application no objections or observations were received by the Licensing Board.

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 and if minded to grant the application, to agree the proposed local conditions 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/194
Date: 18 November 2019
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