

The Highland Licensing Board

Meeting – 23 June 2020

Agenda Item	8.1
Report No	HLB/038/20

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

Loch Ness Inn, Lewiston, Drumnadrochit, Inverness-shire, IV63 6UW

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Lewiston Arms Ltd, Birkenshaw, Tomatin, Inverness-shire, IV13 7XY.

1.0 Description of premises

1.1 Loch Ness Inn is a small hotel located in Drumnadrochit on the A82, 15 miles from Inverness and caters for residents and non-resident members of the public alike.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Friday: 1100 hours to 0100 hours
Saturday: 1100 hours to 0030 hours
Sunday: 1200 hours to 2400 hours

Off sales:

Monday to Saturday: 1100 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) Increase in capacity from 166 to 184.
- (2) Amend on and off sales to commence at 1100 hours on Sundays.

(3) Amend on sales to terminate at 0100 hours on Saturdays and Sundays.

(4) Seasonal variation to allow festive hours extensions.

4.0 Background

4.1 On 6 February 2020 the Licensing Board received an application for a major variation of a premises licence from Lewiston Arms Ltd.

4.2 The application was publicised during the period 17 February until 9 March 2020 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, the following timeous notices of objection have been received and are appended:

- P. Bond
- A. Anderson

4.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, both the applicant and the objectors have been invited to submit a written representation to state their case.

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) An application has been received from the premises licence holder of the Loch Ness Inn, Drumnadrochit. These are well established premises which have held an alcohol premises licence since 2009. The operating history has been entirely incident free and compliance visits carried out by the LSO, have shown good standards of diligence.
- (ii) The application seeks to allow on and off sales to commence from 1100 hours on Sundays. This application is in line with current Board policy on licensed hours.
- (iii) Further permission is sought to increase terminal on sales hours until 0100 hours on Saturdays and Sundays; again, such an application is within Board policy hours and whilst it will not be utilised universally, it allows the premises to cater fully for the very busy summer tourist season.
- (iv) In addition, the premises would also seek to take advantage of extended hours offered by the Highland Licensing Board over the festive season and build this in as a permanent feature of the operating plan.
- (v) A building extension is planned in order to alter the layout and extend the current public bar facility thereby increasing the capacity in this room to 70 and the overall capacity for the premises to 184. Revised layout plans have been submitted with the application.

- (vii) The LSO has visited the premises to discuss the application with the applicant and is confident that there will be no adverse impact caused by these changes to the licensing objectives.
- (viii) Following the public consultation phase of this application, the Board has been in receipt of two timeous objections from, Mr A. Anderson and Mr P. Bond, both persons raise objection on the grounds of increased traffic causing potential disturbance and congestion in an area of the village where the roads infrastructure is quite constrained. Whilst the LSO can understand these complaints, they are not issues which can be appropriately attributed to the sale of alcohol. Hopefully, the premises licence holder will be able to influence his customers parking habits and the driving practices of local taxi drivers in order to mitigate these complaints.

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 it is recommended that the following additional local condition be attached:

- (k) 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 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/256

Date: 17 March 2020

Author: Marjory Bain

Appendices: Notices of objection dated 27 February 2020 and 4 March 2020

REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes or emailed to licensing@highland.gov.uk. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

1. Full Name and Address of person making objection/representation:

PETER ROLAND BOND.	
[REDACTED]	
Telephone Number:	[REDACTED]
Email Address:	[REDACTED]

2. Address of Premises in respect of which objection / representation is made:

LOCH NESS INN LEWISTON, DRUMNADROCHIT, IV63 0W	RECEIVED - 2 MAR 2020
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3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
1.	Excluded Premises	No. 3. OBJECTION TO INCREASE OF HOURS TO 1.00AM SAT/SUNS. ON THE GROUNDS OF MUCH INCREASED USE OF THE DRIVEWAY TO NOS 1-4 WEST LEWISTON CT. IV63 6UD
2.	Off-Sales Hours/24 hour drinking	
3.	Licensing Objectives	
4.	Activities/Premises/Customers	
5.	Over Provision	

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1.	in support of application
2.	seeking an amendment to the operating plan, or
3.	seeking to add additional conditions to the licence

Signature:..... [REDACTED] Date... 27 FEBRUARY 2020

Regards

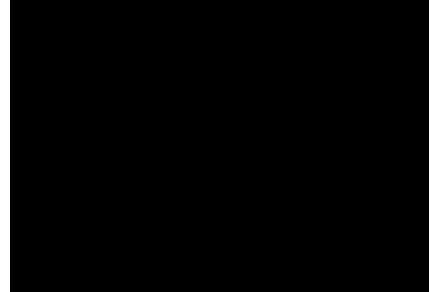
Alan Anderson

WHICH IS ADJACENT TO WGHNESS INN.
AS A TURNING POINT EITHER BACK TO INN OR
A82 BY CUSTOMERS, TAXIS, DELIVERY VEHICLES
ETC.

THE USE OF THE DRIVE HAS SIGNIFICANTLY
INCREASED SINCE 2016.

THE INCREASED NOISE OF ENGINES, LOUD
CHATTER, HEADLIGHTS SHINING INTO OUR AND
OUR NEIGHBOURS HOMES WILL ONLY BE INCREASED.
CAUSING US MORE NUISANCE + WEAR + TEAR OF
FRONT OF DRIVE AND OUR GENERAL HEALTH +
WELL BEING.

Yours Sincerely



RECEIVED
02 MAR 2020

Marjory Bain

From: ALAN ANDERSON [REDACTED]
Sent: 04 March 2020 21:14
To: Licensing
Subject: Fwd: Objection to licence change at Loch Ness Inn application

----- Original Message -----

From: ALAN ANDERSON [REDACTED]
To: licending@highland.gov.uk
Date: 04 March 2020 at 21:12
Subject: Objection to licence change at Loch Ness Inn application

Dear Sirs

I am concerned at the application by the owners of Loch Ness Inn, Drumnadrochit, to extend licensing hours on Saturdays and Sundays and also an increase in number of customers from 166 to 184.

I live at 3 West Lewiston Court, Drumnadrochit. My house is virtually adjacent and slightly to the resr of the hotel premises and may well be impacted by the changes applied for.

I have no real problem with the increase to 1 am on Saturday night, but am concerned about the similar increase in Sunday night as it runs into Monday morning which is obviously a working day for most and usually means an early start. If there is increased traffic and noise up to and after 1 am, it may disrupt sleep before getting up for work a few hours later.

I am also very concerned to the very potential increase in car parking requirements, where at present levels it is frequently inadequate and results in the hotel car park which can hold approximately 16 cars and "on road" parking in front of the car park and also in front of the hotel adjacent to the main public road giving space for around 8 cars giving a total of around 24 cars. Last Saturday afternoon (29th February) I counted a total of 14 cars in the car park, filling it and also 8 cars around the park and hotel fronts, for example, left the area quite over congested. This was during the day at very much off peak season and the congestion resulted in the road being tight for vehicle traffic on the main road. Hotel customers who could not find suitable parking space then turn in the entrance to and sometimes resort to parking in the car park belonging to West Lewiston Court. Parking congestion, such as this example, is fairly frequent throughout the year at present hours and level of customers. I feel that the present parking space is completely inadequate for hotel, restaurant and bar guests, and also staff cars. The main road past the hotel front has frequently been impassable due to level of on street parking by hotel customers and staff. Public bus drivers have on occasions been stuck and had to get off bus and go to hotel to get cars moved to clear the right of way.

Most customers to the hotel arrive in cars, a lot of them are hire cars, most have on average 2 people in them. With 184 guests, there could be a lot more cars than the 28 or so designated parking spaces. What provision has been made for this level of business understand parking requirements? The road adjacent and passing the hotel is single track and certainly not suited to this level of parking congestion.I

If it helps, I can supply photographs taken last Saturday.