

The Highland Licensing Board

Meeting – 8 September 2020

Agenda Item	9.3
Report No	HLB/065/20

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

Ben Loyal Hotel, Tongue, IV27 4XE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Firm of Caspian Shellfish, 158 Scullomie Main Street, Tongue, IV27 4XT

1.0 Description of premises

1.1 The Ben Loyal Hotel is an eleven bed ensuite 3* STB and AA rural hotel in north Sutherland Village of Tongue.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Amend description of premises to include new licensed areas.

(2) Amend name and address of premises licence holder from The Firm of Caspian Shellfish to The Ben Loyal Hotel and the partnership's address is now The Ben Loyal Hotel, Main Street, Tongue.

(3) Amendment to layout plan to extend the boundaries of the licensed premises to include 6 glamping pods located in the hotel grounds for either self-catering guests or additional accommodation for hotel guests and addition of the Ben Loyal Hotel apartments comprising 2 semi-detached cottages, one of which to be used for self-catering guests and the other as an additional 3 rooms for hotel guests.

(4) Addition of a second outdoor seating/drinking area to the north of the Ben Loyal Hotel apartments.

(5) Amendment to 5(f) any other activities to include room service including supply of alcoholic and non-alcoholic beverages and food for resident hotel patrons during and out with core licensed hours shall be extended to include guests staying in the Ben Loyal apartments and the glamping pods.

(6) Occasionally a marquee is erected in the car park to accommodate weddings and other functions and events. The dining room may on occasion be used to accommodate a temporary bar when the premises are hosting events such as weddings or other functions.

(7) Amendment to 6(e) Children and Young Persons to include reference to children and young persons being allowed access to the glamping pods and Ben Loyal Apartments which are within the hotel grounds.

(8) Amendment to on and off sale capacities to reflect the changes for the premises.

3.0 Background

3.1 On 20 July 2020 the Licensing Board received an application for a major variation of a premises licence from The Firm of Caspian Shellfish.

3.2 The application was publicised during the period 27 July 2020 until 17 August 2020 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. Building Standards have commented that there is still outstanding building warrants for the premises in relation to the wood burning stove and a drains test which the applicant will need to address separately.

3.6 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, the applicant has been invited to submit a written representation to state their case.

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 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.
- 4.3 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:-
- 5.2 The Ben Loyal Hotel is a detached property set in its own grounds within the village of Tongue in North Sutherland.
- 5.3 The variation application is to allow for the change of name of the premises licence holder. There is also a change in increasing operations and business within the premises which includes extending the licensed areas shown on the layout plan. There is no change to current licensing hours or special conditions limiting use of premises.
- 5.4 The full description of the variation application is included in the application.
- 5.5 The core hours applied for are within the policy of the Highland Licensing Board have not changed from the existing licence.
- 5.6 The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- 5.7 The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- 5.8 The layout plan submitted complies with the required specifications.

5.9 There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

5.10 During the period of public consultation, no objections were received.

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/CSR/0194

Date: 21 August 2020

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Background Papers: The Licensing (Scotland) Act 2005/Application Form.