

The Highland Licensing Board

Meeting – 30 March 2021

Agenda Item	8.2
Report No	HLB/025/21

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

Whitebridge Hotel, Whitebridge, Inverness-shire, IV2 6UN

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Bell and Rose Ltd, Whitebridge Hotel, Whitebridge, Inverness-shire, IV2 6UN.

1.0 Description of premises

1.1 Whitebridge Hotel is a highly desirable detached property within its own extensive grounds on General Wade's Military Road (B862) overlooked by the Monadhliath Mountains and some 25 miles from Inverness and 8 miles from Fort Augustus.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 2300 hours
Thursday to Friday: 1100 hours to 0100 hours
Saturday: 1100 hours to 2345 hours
Sunday: 1200 hours to 2300 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) On sales: Monday-Wednesday to terminate at 01.00 hrs rather than 23.00 hrs. Saturday terminate at 01.00 hrs rather than 23.45 hrs. Sunday commence at 11.00 hrs rather than 12.00 hrs and terminating at 01.00 hrs rather than 23.00 hrs.
- (2) Off sales Monday-Saturday: commence at 10.00 hrs rather than 12.00 hrs. Sunday: commence at 10.00 hrs rather than 12.00 hrs.
- (3) Add theatre, films and gaming to activities.
- (4) Change wording for seasonal variations to read: 'The premises will operate according to any periods of extended hours which may be offered by the Highland Licensing Board such as, the Festive Season.'
- (5) Amend Children and Young Persons Policy to read:
 - 6(b) Children require to be accompanied by a supervising adult. Young persons may enter the premises unaccompanied at management discretion until 21.00 hrs for the purposes of food, soft beverages and playing pool. After 21.00 hrs they require to be in the company of a supervising adult.
 - 6(c) 0-17 years as per the terms of 6(b).
 - 6(d) At all times that the premises are open under the terms of 6(b).
 - 6(e) All parts of the premises to which the public are granted access.
- (6) Capacity to increase from 180 to 210.
- (7) Current layout plans are amended in order to bring outside areas within the licensing footprint of the premises. First, the outdoor space adjacent to the car park; second, facing the main public road at the public bar entrance; thirdly, the paddock adjacent to the hotel and car park area will be included within the footprint of the premises to allow events to be hosted e.g. marquee, markets, outdoor eating and drinking spaces.
- (8) Description to include: 'The footprint of the premises also include an outside drinking area adjacent to the car park of the hotel, a further drinking terrace along the side of the premises at the public bar entrance as well as the car park and adjacent to the north east of the hotel building.'

4.0 Background

- 4.1 On 27 January 2021 the Licensing Board received an application for a major variation of a premises licence from Bell and Rose Ltd.
- 4.2 The application was publicised during the period 15 February until 8 March 2021 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 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 objector 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) The Whitebridge Hotel, has held an alcohol premises licence since 2009. The present owners have held the licence since June, 2018. The operating history throughout has been entirely trouble free; the current owners have shown strong levels of compliance with the requirements of the Licensing (Scotland) Act 2005.
- (ii) A major variation application has been received by Highland Licensing Board in order to modernise the licence and obtain the optimum operational benefit within the parameters set by board policy.
- (iii) On sales are requested to be allowed on an 1100 to 0100 hrs basis Monday to Sunday; this is in line with board policy hours, and whilst in all probability, these hours will not be used in their entirety, it allows the hotel flexibility to operate according to volume and demand of trade. Off sales are also requested to be added to the operating plan; apart from servicing the requirements of guests, the village of Whitebridge has no shop and this would assist local provision, in addition, the area has several campsites and self-catering properties whose guests may avail themselves of such a local service without having to travel to the likes of Fort Augustus.
- (iv) The wording of the seasonal variation has been requested to be changed in order to take advantage of the entire duration of the board's festive hours' policy as opposed to key dates as at present.
- (v) The current list of approved activities at section 5 of the operating plan has been amended to fully reflect the services the guests can obtain. Wording of the children and young persons' policy has been amended, to allow young persons' access prior to later operating hours unsupervised to partake of food and soft beverages.
- (vi) Lastly, the hotel has extensive grounds within the curtilage of the hotel, these are now requested to be brought fully within the licensed footprint of the hotel. No issue is posed by this, except for an area of ground designated as the "Paddock" which is close to another residential property; accordingly a restrictive condition of 2300 hrs is proposed by the LSO to mitigate the issue of noise nuisance. Such a restriction is supported by Environmental Health and Police Scotland who have been consulted by the LSO on this matter.
- (vii) The hotel operators are confident they can supervise the other external areas at their own discretion and ensure the prevention of public nuisance. This is supported by a complaint free 12 year operating history.
- (viii) In summation the LSO is content that the variation meets the standards required by the licensing objectives.

(ix) Following the public consultation phase of this application no objections or representations have been received by the Highland 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 it is recommended that the following additional local conditions be attached:

1. In respect of the outside area of the Hotel known as “the Paddock”, no alcoholic or non-alcoholic drinks shall be consumed in this area after 23.00hrs.
2. In respect of the outside area of the Hotel known as “the Paddock” no live or recorded music shall be played in this area after 22.00hrs.

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/special 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/114
Date: 12 March 2021
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