

The Highland Licensing Board

Meeting – 11 May 2021

Agenda Item	8.4
Report No	HLB/036/21

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

Creag Mhor Lodge, North Ballachulish, Onich, Fort William, PH33 6RY

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Red Jura Limited, 32 Saskatoon Place, East Kilbride, Glasgow, G75 8LP.

1.0 Description of premises

1.1 The premises is a detached former Victorian Lodge Country House Hotel, set in its own grounds in a rural location at North Ballachulish.

The public areas consist of a reception hall, lounge bar and dining room and 12 public bedrooms.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 2300 hours
Sunday: 1230 hours to 1430 hours and
1830 hours to 2300 hours

Off sales:

The premises do not currently offer off-sales.

3.0 Summary of variation application

3.1 Variation sought

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

(a) **Variation to Operating Plan:**

- add facility to supply off sales to both residents and online customers, Monday to Sunday : 1000 to 2200 hours
- increase on-sales hours on Sunday to 1100 hours to 2300 hours (currently 1230 to 1430 and 1830 to 2300 hours)
- add wording at section 5(f) and 7 of operating plan explaining off-sales methods of sale and capacity
- amend description of premises to reflect that the premises will be offering specialist brand off-sales to both residents and on-line customers.

4.0 Background

- 4.1 On 26 February 2021 the Licensing Board received an application for a major variation of a premises licence from Red Jura Limited.
- 4.2 The application was publicised during the period 8 to 29 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 and 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 however responses from the Fire, Planning and Building Standards Authorities are still awaited. The Clerk will provide a verbal update.
- 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, the applicant has been invited to submit a written representation to state their case if they so wish.

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:-

Creag Mhor Lodge, is a detached 12 bedroom hotel at North Ballachulish, with bar facilities. The premises have held an alcohol premises licence since the commencement of the Licensing (Scotland) Act 2005 and have operated successfully without complaint.

Previously the premises served alcohol to residents and guests solely by way of on sales. Request has now been made to allow off sales, mainly in the form of high end spirits to be sold to guests, but also to a wider market by way of internet, telephone and postal sales.

Off-sales hours which are requested comply with the limits set in the Licensing (Scotland) Act 2005.

The premises are suitable for such a variation and the proposed amendment to the operating plan will not compromise any of the licensing objectives. Sales will be resourced from stock hence there is no public off sales display.

Following the public consultation phase of this application no objections or representations concerning this variation have been received by the Board.

No local licensing conditions are required in respect of this variation.

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.

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/1156
Date: 29 April 2021
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