

The Highland Licensing Board

Meeting – 22 June 2021

Agenda Item	10.7
Report No	HLB/058/21

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

Oykel Bridge Hotel, Rosehall, Lairg, IV27 4HE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Oykel Bridge Hotel Limited.

1.0 Description of premises

1.1 The premises comprise a detached hotel situated in an isolated rural location providing accommodation and meals primarily in connection with a Highland sporting estate. The public areas comprise a public bar, cocktail bar, lounges, dining room and 15 letting bedrooms.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Remove the seasonal variation to allow the premises to operate all year round.

(2) Add to other activities outdoor drinking facilities.

3.0 Background

3.1 On 14 April 2021 the Licensing Board received an application for a major variation of a premises licence from Oykel Bridge Hotel Limited.

3.2 The application was publicised during the period Monday 26 April until Monday 17 May 2021 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, the following timeous notice of representation has been received and is appended:

Representation dated 23 April 2021 from Police Scotland.

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 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.

4.3 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.

4.4 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.

5.0 Licensing Standards Officer

- 5.1 The LSO has provided the following comments:-
- 5.2 Oykel Bridge Hotel is a long established country hotel sitting in its own grounds adjacent to the A837 Invershin to Ledmore public road, by Lairg, Sutherland.
- 5.3 The variation application is to vary the operating plan to include outdoor drinking area as detailed on plan, also to remove seasonal variation for premises.
- 5.4 The full description and detail of the variation is included in the application.
- 5.5 The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- 5.6 The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- 5.7 The layout plan submitted complies with the required specifications.
- 5.8 There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- 5.9 During the period of public consultation, no objections were received.
- 5.10 Building standards have observed they are in ongoing consultation with premises in relation to some works required relative to the heating system and an adjoining cottage but matters which do not influence this application.

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

- (m) After 2200hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area.

7.3 **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 additional local condition detailed at paras 7.2 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/CSR/0291

Date: 28 May 2021

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005

23/04/2021

Your Ref:

Our Ref: 553908

Clerk to the Highland Board
Town House
High Street
Inverness
IV1 1JJ



Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE
OYKEL BRIDGE HOTEL, ROSEHALL, LAIRG, HIGHLAND, IV27 4HE
APPLICANT: OYKEL BRIDGE HOTEL LIMITED
POLICE REPRESENTATION**

I refer to the above application for the variation of a premises licence under the terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of variations to both the operating and layout plans, specifically;

- Removing seasonal variations
- Adding outdoor drinking facilities

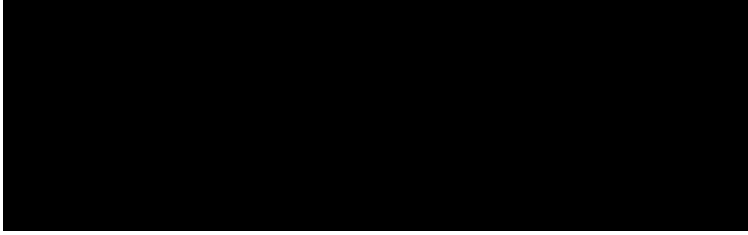
In terms of Section 29(5) of the Act this request can be considered a variation. In terms of Section 22(1)(b)(ii) and (iii) of the same Act, I wish to make the following representation.

It is respectfully requested that the Licensing Board give consideration to adding a local condition to the premises licence that outdoor drinking will be restricted to 2200 hours.

This representation is submitted for your attention in considering this application.

OFFICIAL

Yours faithfully,



Chief Superintendent Conrad Trickett
Divisional Commander

For enquiries please contact the Licensing Department on 01463 720817