

## The Highland Licensing Board

Meeting – 18 January 2022

Agenda Item	6.3
Report No	HLB/005/22

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

The Whispering Pine Lodge, Letterfinlay, Spean Bridge, PH34 4DZ

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by Black Sheep Management Services Limited per Twin Deer Law, Lochaber Rural Complex, Fort William, PH33 6SQ.

#### 1.0 Description of premises

1.1 The Whispering Pine Lodge (formerly known as Letterfinlay Lodge Hotel) is a three storey premises situated within its own grounds and located approximately 7 miles from the village of Spean Bridge on the shores of Loch Lochy, adjacent to the A82 trunk road at Letterfinlay. There are currently two separate self-contained letting apartments contained within the grounds and licensed area of the existing premises licence.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

1. Increase footprint of licensed premises to include an additional six, self-contained letting apartments, comprising four x 2-bedroom and two x 3-bedroom.
2. Increase capacity of premises from 167 persons to 195 persons.
3. Update description of premises to reflect inclusion within premises licence of the additional letting apartments.

#### 3.0 Background

3.1 On 17 November 2021 the Licensing Board received an application for a major variation of a premises licence from Black Sheep Management Services Limited.

- 3.2 The application was publicised during the period 26 November 2021 until 17 December 2021 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland. The application was not circulated to the local Community Council as they are currently in abeyance.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 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:-

- (i) The Whispering Pine Lodge has held a premises licence since 2009. The hotel is a substantial victorian building standing in substantial grounds adjacent to the main A82 public road at Letterfinlay.
- (ii) The operating history of the premises has been incident free and LSO inspections have shown consistent standards of sound diligence.
- (iii) The hotel transferred into the current ownership in 2018, whereupon a substantial refurbishment programme was undertaken. Initially this redeveloped the main hotel building and a first phase of chalet accommodation within the hotel grounds. This variation seeks to add further chalets onto the premises licensing footprint.
- (iv) The variation submitted seeks to add a further 6 self catering chalets onto the licence (4 x 2 bed apartments and 2 x 3 bed apartments). Appropriate lay out plans of good quality have accompanied the application. The capacity total of the overall premises for guests has altered from 167 to 195 persons.
- (v) The LSO has overviewed the application and is satisfied it complies fully with the 5 Licensing Objectives.
- (vi) No objections or representations have been received by the Board during the public consultation phase of the application.
- (vii) Local Licensing conditions attached to the Licence remain unaltered.

## **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/RSL/1803  
Date: 18 December 2021  
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