

The Highland Licensing Board

Meeting – 18 January 2022

Agenda Item	6.4
Report No	HLB/006/22

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

Ord House Hotel, Muir of Ord

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Irvings of Ord Ltd in respect of Ord House Hotel, Muir of Ord.

1.0 Description of premises

1.1 These hotel premises are located on the outskirts of Muir of Ord and provide restaurant, bar/bar meals and provide functions. The premises were granted a premises licence on conversion on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

Monday to Saturday: 1200 hrs to 2300 hrs
Sunday: 1230 hrs to 2300 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- a) amend the layout plan to include walled garden and area by pond within licensed area;
- b) remove all specific conditions listed on the current premises licence;
- c) amend the premises description;
- d) add off sales with hours daily from 1000 hrs to 2200 hrs;
- e) change on sales hours to Sunday to Thursday 1100 hrs to 2400 hrs and Friday and Saturday 1100 hrs to 0100 hrs;
- f) remove current seasonal variation and permit seasonal variations as permitted by the Board;

- g) add conferences, bar meals, receptions, club meetings, recorded music, live performances, dance facilities, films, indoor/outdoor sports as activities to be provided during and outwith core hours;
- h) add theatre and gaming as activities provided during core hours;
- i) extend outdoor drinking as an activity also provided outwith core hours;
- j) substitute current wording for when activities are provided outwith core hours;
- k) add information relating to other activities provided;
- l) redefine children and young persons policy;
- m) amend on sales capacity to include 150 for outside area;

4.0 Background

- 4.1 On 18 November 2021 the Licensing Board received an application for a major variation of a premises licence from Irvings of Ord Limited.
- 4.2 The application was publicised during the period 25 November to 16 December 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.
- 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.

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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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:-

- a) The property known as Ord House Hotel is a detached stone-built property which sits within its own grounds in a rural location on the outskirts of Muir of Ord, Ross-shire.
- b) The premises have historically been operated as a hotel accommodating residents primarily, with the public being allowed access to consume alcohol only when being served a table meal within the premises. There are no known historical issues in relation to adherence to Licensing legislation in relation to these premises.
- c) The Major Variation application is to allow for the provision of alcohol by both on and off sales to residents as well as the public. There are a number of other additions to activities applied for within this variation which are detailed elsewhere within this report. There is also an extension of the Licensing footprint of the premises to allow outdoor drinking, as well as the use of an outdoor garden area for occasional marquees for weddings and other celebrations. The application also seeks to remove historic Special Conditions, which the current Premises Licence has in place, I have no objection to their removal.
- d) The activities sought within the Major Variation would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.

- f) The layout plan submitted complies with the required specifications.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of public consultation, no objections were received.
- i) I have no objection to this application.

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 as well as the following additional local condition:-

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

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition(s) 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/CSR/0314
Date: 20 December 2021
Author: G Sutherland

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