

The Highland Licensing Board

Meeting – 25 April 2022

Agenda Item	8.2
Report No	HLB/034/22

Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

Spa Lodge, Strathpeffer

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Spa Lodge, Strathpeffer.

1.0 Description of premises

1.1 The proposed premises is a three-storey hotel building in the centre of Strathpeffer. A premises licence is currently held for Mackay Hotel and Spa Lodge but the owners are splitting the property into two separate hotels which will hold their own premises licences.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1100 hrs to 0100 hrs

3.0 Background

3.1 On 8 February 2022 the Licensing Board received an application for the provisional grant of a premises licence from Hart Licensees Ltd.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, together with a disabled access statement.

3.3 The application was publicised during the period 11 February to 4 March 2022 and confirmation that the site notice was displayed is awaited.

- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

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 are: -

1. that the premises are excluded premises;
 2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
 3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 4. that having regard to;
 - (i) the nature of the activities 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, or
 5. 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 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- a) The property to be known as Spa Lodge Hotel was previously part of the hotel complex known as Mackays Hotel and Spa, situated in the centre of the village of Strathpeffer, Ross-shire.
- b) This application refers to part of the complex which will now be a separate licensed premises.
- c) The application is to allow for the provision of alcohol by on sales within premises.
- d) There is no outdoor area.
- e) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- f) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- g) The layout plan submitted complies with the required specifications.
- h) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- i) During the period of public consultation, no objections were received.
- j) I have no objection to 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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the schedule of local conditions:

- q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

7.3 The Board may wish to consider attaching the following special conditions:

- (1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-
 - (a) the time at which the premises next close; and
 - (b) 0500 hrs.
- (2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day on which the premises are open at that time) until whichever is the earlier of-
 - (a) the time at which the premises next close; and
 - (b) 0500 hrs.

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 7.2 and 7.3 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/1998
Date: 12 April 2022
Author: G Sutherland

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