

The Highland Licensing Board

Meeting – 24 October 2023

Agenda Item	9.2
Report No	HLB/116/23

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

Cnoc Hotel, Struy, Inverness-shire, IV4 7JU

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Cnoc Hotel Ltd, 12 Bexley Lane, Bexley, DA5 2BN.

1.0 Description of premises

1.1 Cnoc Hotel is a free standing traditional two storey building converted from four cottages and located in its own grounds in the village of Struy. It is the perfect retreat for fishers, walkers, birdwatchers, cyclists and golfers.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday: 1200 hours to 2400 hours
Friday: 1200 hours to 0100 hours
Saturday: 1200 hours to 2345 hours
Sunday: 1200 hours to 2300 hours

Off sales:

Monday to Sunday. 1200 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Amend capacity of bedrooms at Section 7 to 20 persons.

(2) Amend on sales to commence at 1100 hours and terminate at 0100 hours. Monday to Sunday.

(3) Amend off sales to commence at 1000 hours Monday to Sunday.

(4) Add in takeaway meals at Section 5(e).

(5) Amend description to read: 'eight letting bedrooms'.

4.0 Background

4.1 On 29 August 2023 the Licensing Board received an application for a major variation of a premises licence from Cnoc Hotel Ltd.

4.2 The application was publicised during the period 4 September until 25 September 2023 and confirmation that the site notice was displayed has been received.

4.3 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.

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 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

www.highland.gov.uk/hlb_hearings

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:-

(i) The Cnoc Hotel, Struy is a small country hotel situated within its own grounds.

(ii) The operating history has been entirely satisfactory, LSO compliance checks have shown the hotel to be well run according to the terms and conditions of the licence.

(iii) Following internal re-organisation, the owner's apartment has been converted to a letting bedroom, bringing the total of bedrooms within the premises description to 8, with a resident capacity of 20 persons.

(iv) On sales hours have been harmonised to Monday to Sunday, 11.00 to 01.00 hrs. Off sales hours have been harmonised to commence from 10.00 hrs, Monday to Sunday.

(v) The supply of takeaway meals has been included at Section 5(f) of the operating plan.

(vi) In the opinion of the LSO, none of these changes to the operating plan affect the licensing objectives in an adverse way.

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 no additional local conditions are considered necessary.

8.3 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 local/special conditions detailed at paras. 8.2 and 8.3 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/INBS/477
Date: 9 October 2023
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