

**The Highland Licensing Board**

**Meeting – 7 May 2024**

Agenda Item	8.8
Report No	HLB/47/24

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

**Glenfinnan House Hotel, Glenfinnan, PH37 4LT**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by the Firm of Glenfinnan House Hotel.

**1.0 Description of premises**

Glenfinnan House Hotel is a freestanding traditional building set over two and a half floors and set within its own grounds in a rural setting.

**2.0 Summary of variation application**

**2.1 Variation sought**

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

1. Operating Hours :

Update terminal on-sale hour on Sunday to: 1100 to 0000 hrs (previously 1100 to 2345 hrs).

2. Include a seasonal variation to take advantage of the Highland Licensing Board's festive policy.

3. Operating Plan : Add the following activities to be utilised outwith core hours: conference facilities; theatre and films; televised sports; indoor/outdoor sports; outdoor drinking facilities.

4. Any other activities: At 5(f) update to include additional outdoor activities within garden grounds.

5. Children's Policy – update to reflect current business model.

## 6. **Layout Plan:**

- Reduce number of guest bedrooms on second floor from 4 to 3.
- Provide updated layout and site plans to replace existing plans.

## 7. **Description of premises**

Update description of premises to reflect proposed modifications to Premises Licence as follows:

Glenfinnan House Hotel is a country house hotel, set within its own grounds in a rural setting on the shores of Loch Shiel. The premises is a freestanding traditional building set over two and a half floors. The hotel grounds consist of a rolling lawn, car parking area and picnic areas.

The premises is open to both residents and non-residents and offers 14 residential letting rooms and public rooms including restaurant and public bar and private residential area for hotel manager and staff.

### **3.0 Background**

3.1 On 14 March 2024 the Licensing Board received an application for a major variation of a premises licence from the Firm of Glenfinnan House Hotel.

3.2 The application was publicised during the period 28 March 2024 until 18 April 2024 and confirmation that the site notice was displayed has been received. The Clerk will provide a verbal update.

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.

Police Scotland and the Council's Community Services (Environmental Health) have confirmed they have no objections to 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 notices of representation have been received:

- The Scottish Fire and Rescue Service have advised that they are unable to respond to the application until such time as an audit of the premises has been completed.

The Clerk to the Board will provide a verbal update on the position.

- 3.6 The applicant has been invited to attend the hearing and has been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

[www.highland.gov.uk/hlb\\_hearings](http://www.highland.gov.uk/hlb_hearings)

#### **4.0 Legislation**

- 4.1 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:-

1. The premises are a freestanding traditional building over two and a half floors set in its own grounds.
2. Glenfinnan House Hotel consists of 14 guest rooms, has restaurant/bar facilities and is open to Residents and Non Residents.
3. External area for outside drinking which may have on occasions a marquee or similar in place for events. (Location may be varied).
4. The application is within Highland Licensing Board policy.
5. The application is consistent with the licensing objectives.
6. The variation applied for is as the supporting paperwork and the applicant requires this to accurately reflect the updated Operating Plan.
7. No objections have been received in respect of the application.
8. The Licensing Standards Officer has no objections to this application.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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/1380

Date: 25 April 2024

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