

The Highland Licensing Board

Meeting – 5 December 2017

Agenda Item	10.6
Report No	HLB/140/17

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

Hollytree Hotel, Kentallen, Argyll, PA38 4BY

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Kentallen Leisure Limited, Hollytree Hotel, Kentallen, Argyll, PA38 4BY.

1.0 Description of premises

1.1 The premises are a 20 bedroom family run hotel situated in Kentallen. The premises consist of ground, first and second floors including lounge bar, lounge area, restaurant, leisure facilities and outside decking area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 0000 hours
Thursday to Sunday: 1100 hours to 0100 hours
Sunday: 1100 hours to 2345 hours

Off sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1230 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) Increase terminal core on-sale hours: -

Monday to Wednesday increase from 0000 hours to 0100 hours;
Sunday increase from 2345 hours to 0100 hours.

(2) Increase opening core off-sale hours :

Monday to Saturday from 1100 hours to 1000 hours;
Sunday increase from 1230 hours to 1000 hours.

(3) Extend footprint of premises to include additional lounge dining area and new outdoor drinking area;

(4) Resultant increase in capacity from 200 persons to 240 persons;

(5) Creation of new off-sale display area comprising of 8sqm;

(6) Alterations to layout of bedrooms, namely wardrobes.

4.0 Background

4.1 On 23 October 2017 the Licensing Board received an application for a major variation of a premises licence from Kentallen Leisure Limited.

4.2 The application was publicised during the period 31 October 2017 until 21 November 2017 and confirmation that the site notice was displayed is awaited. The Licensing Standards Officer will provide a verbal update in this regard.

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. However, to date, no response has been received from Building Standards.

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:

http://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 existing licensing conditions will continue to apply.
- (ii) Amendment to the core licensing hours is requested by increasing on sales hours Monday to Wednesday from midnight until 0100 hours. Off sales are requested to increase from 1100 hours to allow sales to commence from 1000 hours. Such changes are in line with Board Policy Hours and core off sale hours quoted in the Licensing (Scotland) Act 2005.
- (iii) The LSO is of the opinion that should these variations be granted there will be no adverse effect on the licensing objectives.
- (iv) The Hollytree Hotel, Kentallen is a long established hotel and restaurant, which has operated successfully for a number of years under the current ownership. The licensing history has been without incident and compliance visits carried out by the LSO have shown good levels of diligence and compliance.

- (v) The applicants have made application to vary the existing layout of the premises in order to create an additional lounge/dining area and a new outside drinking area, appropriate amended lay out plans have been submitted with the application. The overall capacity of persons has subsequently increased by 40 persons. In addition the off sales area has been increased to 8 square metres which is reflected at section 7 of the operating plan. Amendment to the bedrooms of the hotel is also to be carried out with the installation of fitted wardrobes.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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.

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/1381
Date: 22 November 2017
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