

The Highland Licensing Board

Meeting – 6 February 2018

Agenda Item	8.1
Report No	HLB/010/18

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

The Balavil Hotel, Main Street, Newtonmore, PH20 1DR

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Partnership of James Coyle, Helen Coyle, Fraser Coyle and Jamie Coyle, The Balavil Hotel, Main Street, Newtonmore, PH20 1DR.

1.0 Description of premises

1.1 The premises comprise a detached property over three floors with a private car park opposite the hotel, situated on the Main Street in Newtonmore within a mixed domestic and commercial area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 2400 hours
Thursday to Saturday: 1100 hours to 0100 hours
Sunday: 1100 hours to 2400 hours

Off sales:

Monday to Sunday: 1100 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) Allow children and young person's access to all public areas.

(2) On and off sales to commence at 1100 hours on Sunday.

(3) On sales Sunday to Wednesday to terminate at 0100 hours rather than 2400 hours.

4.0 Background

4.1 On 11 December 2017 the Licensing Board received an application for a major variation of a premises licence from Partnership of James Coyle, Helen Coyle, Fraser Coyle and Jamie Coyle.

4.2 The application was publicised during the period 17 December 2017 until 8 January 2018 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:

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 Balavil Hotel, Newtonmore is a family run hotel, situated centrally in Newtonmore. It has a history of responsible trading and compliance visits carried out by the LSO reveal that the premises are being run according to the licensing objectives and the conditions of the premises licence.

(ii) Application has been made to vary the premises licence, to allow trading for on and off sales to commence from 1100 hours on Sunday's. This change is within Highland Licensing Board policy and, in the view of the LSO, will not adversely impact on the licensing objectives. In addition, the applicants wish to have greater flexibility within their operating plan, allowing them to trade until 0100 hours should there be a customer need. Again, such variation is within the published hours currently encompassed by Board policy.

(iii) Lastly, the applicants seek to extend children and young person's access to all public areas. Previously these categories of person were not allowed into the public bar, due to the adult environment. In recent years, however, the profile of wet sales drinking has markedly changed, and it is somewhat of a handicap to deny residents with children the ability to watch televised sport or play pool. The safeguard of allowing children and young person's access in the presence of a supervising adult will ensure that the requirements of the 5th licensing objective of protecting children and young persons from harm is met.

(iv) Minor changes to the layout have been occasioned in redesigning access routes between the lounge and public bar areas, and accordingly updated layout plans have been submitted.

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 be replaced by the following local conditions which are considered necessary.

(b) Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.

(c) Notwithstanding condition (b) children must not sit or remain at the bar counter at any time.

(h) Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Office.

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 conditions 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/INBS/336
Date: 10 January 2018
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