

## The Highland Licensing Board

Meeting – 18 January 2019

Agenda Item	9.3
Report No	HLB/008/19

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

Kingshouse Hotel, Glencoe, PH49 4HY

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Kings House Glencoe Ltd, 5 Atholl Place, Perth, PH1 5NE.

#### 1.0 Description of premises

1.1 The Kings House Hotel is a detached country hotel in an isolated rural location in Glencoe. Following a complete refurbishment in 2018, the premises now comprises of an open plan reception area, lounge bar, restaurant, function suite and 57 bedrooms. There are 3 external drinking areas.

#### 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: 1230 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 core on-sale terminal hour to 0100 hrs - Monday to Wednesday (previously 2400 hrs);

2. Increase core on-sale hours on Sunday to 1100 to 0100 hrs (previously 1230 to 2345 hrs);
3. Increase core off sale opening hour on Sunday to 1100 hrs (previously 1230 hrs);
4. Update seasonal variation at Section 4 to afford ability to operate extended festive hours in line with Board Policy;
5. Additional activities to be included within operating plan: films to be offered within and outwith core licensed hours;
6. Additional activities to be included within operating plan to be offered outwith core licensed hours: recorded music and televised sport;
7. Update children's policy to reflect changes within premises;
8. Increase on-sales capacity from 294 persons to 750 persons and add off-sales display area capacity of 2.74m<sup>2</sup>;
9. Revised layout of premises following complete reconfiguration of premises;
10. Revision to premises description to reflect refurbishment of hotel.

#### **4.0 Background**

- 4.1 On 29 November 2018 the Licensing Board received an application for a major variation of a premises licence from Kings House Glencoe Ltd.
- 4.2 The application was publicised during the period 14 December 2018 until 4 January 2019 and confirmation that the site notice has been displayed is awaited.
- 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.

Building Standards have confirmed no objections to the application but have intimated that the renovation works have not yet been fully completed.

- 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](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:-

- The Kings House Hotel, Glencoe is a large country hotel situated near to the A82 public road and the popular West Highland Way walking route. The hotel has recently been shut for a long period of time in order for it to be fully refurbished, modernised and extended. The hotel has provided an ancillary service in a nearby building during the closure under the authority of a temporary licence.

- The hotel in the past has an excellent operating history and compliance visits carried out by Licensing Standards Officers have shown very good levels of compliance with the requirements and conditions of the alcohol premises licence.
- Along with the physical improvements to the premises, the owners have made an application to modernise various aspects of their premises licence.
- In terms of hours, the hotel wish to expand their current range of operating hours allowing trading on Monday to Wednesday on an 1100 hr to 0100 hr basis. Sunday on sales trading is requested to commence from 1100hrs as are the Sunday off sales hours. These changes are within the core hours prescribed within the Highland Licensing Board's current Policy Statement and in the view of the LSO will lead to no adverse issue in respect of the licensing objectives.
- Permission is also sought to take advantage of any period of extended hours as offered by the Highland Licensing Board, such as festive hours. Again this type of seasonal variation is common place in premises within the Board's area and poses no issue.
- The range of activities within section 5 of the operating plan has been expanded to accurately reflect the facilities that the hotel offers. The description of the hotel, its capacity for patrons as well as off sales capacity have been altered to reflect the changes made to the physical layout of the premises. A new set of layout plans has been submitted by the applicants which are of suitable standard.
- Lastly the children's policy has been amended and in the view of the LSO meets the standard of the fifth licensing objective.
- It is the opinion of the LSO that should the Board be minded to grant this variation then there will be no adverse effect in respect of the licensing objectives.

## **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 it is recommended that the following additional local condition be attached:

- (K) 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.

## 8.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

- On any occasion that the premises are open after 0100 hrs:
  - (1) A person who holds a current first aid qualification shall be present on the premises from 0100 hrs until the premises close.
  - (2) A person who is the holder of a Scottish personal licence shall be present on the premises from 0100 hrs until the premises close.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s) 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/RSL/0126  
Date: 7 January 2019  
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