

## The Highland Licensing Board

Meeting – 14 May 2019

Agenda Item	6.1
Report No	HLB/040/19

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

Foyers Lodge, Foyers, IV2 6XT

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for the grant of a premises licence in respect of Foyers Lodge, Foyers, IV2 6XT.

#### 1.0 Description of premises

1.1 The Foyers Lodge is situated in its own grounds in a rural location of Foyers overlooking Loch Ness and consists of eight guest bedrooms, a drawing room and a sitting room.

#### 2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

**On sales:**

Monday to Sunday: 1100 hours to 2300 hours

#### 3.0 Background

3.1 On 14 March 2019 the Licensing Board received an application for the grant of a premises licence from P D Crowe Ltd.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.2 The application was publicised during the period 25 March until 15 April 2019 and confirmation that the site notice was displayed has been received.

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.

- 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, no timeous objections or representations have been received.
- 3.6 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)

#### **4.0 Legislation**

- 4.1 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 are: -

1. that the premises are excluded premises;
  2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
  3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
  4. that having regard to;
    - (i) the nature of the activities 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, or
  5. 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 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

(i) A full premises licence application has been received in respect of Foyers Lodge, which is a detached Victorian Villa situated within its own substantial grounds on the outskirts of the village of Foyers, Inverness-shire. The premises have 8 guest bedrooms. The model of alcohol sales applied for, is the one that complies with the criteria for a category 1 licence, in that, alcohol will be sold solely to persons who have secured residential accommodation on the premises and these sales will be on sales only.

(ii) The premises have been visited by the LSO and the accommodation and public rooms have been refurbished to a very high standard. The premises in the opinion of the LSO are entirely suitable for the sale of alcohol as indicated within the operating plan.

(iii) The necessary section 50 certificates relating to planning, building standards and food hygiene have been submitted with the application. Sales of alcohol will be dispensed from a bar located in the drawing room and when this is closed, there is an "honesty bar" facility in the sitting room which guests can use and this will be overseen by the applicant. A log for drinks purchased from this facility will be in place for guests to record beverages purchased. In the overall environment of Foyers Lodge it is the opinion of the LSO that this is compliant with the licensing objectives.

(iv) The premises have a substantial grassed area overlooking Loch Ness, which are requested to be included within the layout plans as an outside drinking area. The premises are well removed from neighbours, therefore, it is thought not necessary to impose a time limit on its use.

(v) Overall the application fits well with the 5 licensing objectives. The hours requested comply with the existing Highland licensing board policy hours.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

No local conditions considered necessary.

### 7.3 Special conditions

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

(1) Alcohol will only be sold to persons who have booked accommodation on the premises.

(2)

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local special condition detailed at para. 7.3 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/639

Date: 29 April 2019

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