

**The Highland Licensing Board**

**Meeting – 6 August 2019**

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| Agenda Item | <b>8.4</b>        |
| Report No   | <b>HLB/074/19</b> |

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

**Priory Hotel, The Square, Beauly, IV4 7BX**

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

**Summary**

This report relates to an application for a major variation of premises licence by Priory Hotels Ltd, The Square, Beauly, IV4 7BX.

**1.0 Description of premises**

1.1 The premises comprise a hotel, restaurant and public bar in The Square, Beauly. The premises occupy most of a block of terraced buildings in the square and provide a full range of hotel services including accommodation, restaurant and function facilities for both residents and non-residents.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Wednesday: 1100 hours to 2300 hrs  
Thursday to Friday: 1100 hours to 0100 hrs  
Saturday: 1100 hours to 2345 hrs  
Sunday: 1200 hours to 2300 hrs

**Off sales:**

Monday to Saturday. 1000 hours to 2200 hours  
Sunday: 1200 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) On and off sales to commence at 11.00 hrs on Sunday.
- (2) Terminal hour on Saturday and Sunday to be 01.00 hrs.
- (3) Seasonal variations to take account of the Festive Policy and other specific dates.

#### **4.0 Background**

- 4.1 On 18 June 2019 the Licensing Board received an application for a major variation of a premises licence from Priory Hotels Ltd, The Square, Beaulieu, IV4 7BX.
- 4.2 The application was publicised during the period 24 June until 15 July 2019 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](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 Priory Hotel is a substantial hotel situated on the main public square in Beaulieu. It has held a premises licence since 2009 and the operating history of the premises has been excellent and compliance visits carried out by the LSO has shown the premises are compliant in terms of the licensing legislation.
- (ii) A major variation application has been received requesting that the on and off sales hours for Sundays be amended to allow trading from 11.00 hrs. In addition, the terminal hours for Saturday and Sunday is requested to be extended until 01.00 hrs for on sales. This is due to the fact that the hotel hosts a lot of functions and this facility on the licence will assist bookings and negate the need for sporadic extended hours applications.
- (iii) In addition, the facility of seasonal variations has been applied for in order to operate extended hours during the festive season as offered by the Board.
- (iv) All the foregoing variations are within the policy of the Board. It is the opinion of the LSO that should the Board see fit to grant the application, there will be no adverse impact as respects 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):

- (1) At any time that the premises are open for sale of alcohol after 01.00 hours a person who is the holder of a Scottish Personal Licence shall be on the premises.
- (2) At any time that the premises are open for sale of alcohol after 01.00 hours a person who is the holder of a valid First Aid Qualification shall be on the premises.

**Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 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/INBS/306

Date: 17 July 2019

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