

The Highland Licensing Board

Meeting – 22 June 2021

Agenda Item	8.2
Report No	HLB/048/21

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

Glendessary Lodge, Glendessary Estate, Spean Bridge, PH34 4EL

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 Glendessary Lodge, Glendessary Estate, Spean Bridge, PH34 4EL.

1.0 Description of premises

1.1 Glendessary Lodge is an estate lodge house situated at the end of Loch Arkaig in Lochaber and provides private holiday accommodation. The premises consists of a drawing room, dining room, kitchen and seven bedrooms. An outdoor seating area which comprises of a wooden decked area is available to guests and can be accessed from the drawing room. The provision of alcohol will be available to residents only and will be served by estate staff pre-dinner and as an accompaniment to dinner at guests request.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1500 hours to 0000 hours

3.0 Background

3.1 On 26 February 2021 the Licensing Board received an application for the grant of a premises licence from Lady Helen Grant.

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 8 to 29 March 2021 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, the following timeous objection dated 31 March 2021 has been received from the Fire Authority:
- Exits doors require keyless operation.
 - All doors on bedrooms and on exit routes are required to be fire rated to 30 minutes with self closure devices fitted.
 - No emergency lighting system in place due to the number of guests within the sleeping risk.
 - Inadequate provisions of an automatic/manually operated fire alarm system that covers the whole premises.

As a result of the Fire Authority's response, the applicant commissioned an independent Assessor to undertake a Fire Risk Assessment of the premises which identified a number of remedial works. These works are currently being undertaken to address the recommendations contained within the Assessor's report which also includes the issues outlined by the Fire Authority. It is anticipated that these works will be completed in time for the Licensing Board Meeting on 22 June 2021. The applicant has been requested to submit a fresh Fire Safety Checklist to the Fire Authority when the works have been completed.

The Licensing Standards Officer will provide a verbal update to the Meeting.

- 3.6 The applicant and the Fire Authority have been invited to attend the hearing. They have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

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:-

These premises are as described within the report, being a substantial Victorian Shooting lodge on a Highland Estate. An alcohol premises licence is being applied for in order to provide residential guests of the Estate with alcoholic beverages whilst staying at the premises.

The premises are suitable for the sale of alcohol as described within the application; however on the 30th March, 2021 a timeous objection was received from the Fire Authority raising an objection concerning the adequacy of the current fire prevention measures. Accordingly, the application was withdrawn from its original hearing date to allow the applicant to take remedial measures to rectify these issues. In the intervening time works have been proceeding and it is anticipated that by the date of the Board matters will have been rectified and the LSO will be in a position to verbally update the Board as to whether resolution has been achieved.

The hours being applied for are within the Board policy of HLB.

The necessary section 50 certificates in respect of Planning, Building Standards and Food Hygiene have accompanied this Application.

The premises has an outside drinking area within its grounds, as the premises are in a secluded location with no nearby residential property no terminal hour is proposed by the LSO.

Having overviewed the operating plan the LSO is content that it complies with the requirements of the 5 Licensing Objectives.

No Local Licensing conditions are proposed.

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 are considered necessary.

7.3 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/1965
Date: 7 June 2021
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