

The Highland Licensing Board

Meeting – 22 June 2021

Agenda Item	10.10
Report No	HLB/061/21

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

Poolewe Hotel, Main Street, Poolewe

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Poolewe Limited in respect of Poolewe Hotel, Main Street, Poolewe.

1.0 Description of premises

1.1 The premises comprise of a detached family hotel situated in the village of Poolewe with seven letting bedrooms, dining/function room, lounge, lounge bar, public bar, games room and bistro. The premises were granted a premises licence on conversion on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently have the following operating hours:

On sales:

Monday to Friday: 1100 hrs to 0100 hrs
Saturday: 1100 hrs to 2400 hrs
Sunday: 1200 hrs to 2400 hrs

Off sales:

Monday to Saturday: 1100 hrs to 2200 hrs
Sunday: 1230 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

- 1) amend the layout plan for the addition of two outdoor drinking areas

4.0 Background

- 4.1 On 13 April 2021 the Licensing Board received an application for a major variation of premises licence from Poolewe Limited.
- 4.2 The application was publicised during the period 14 May to 4 June 2021 and confirmation that the site notice was 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. However, the Environmental Health Officer has commented that the applicant should ensure suitable noise control measures are in place.
- 4.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to attend a virtual hearing and/or submit a written representation to state their case.

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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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:-

- a) The Poolewe Hotel is a small country Hotel located at the western end of Poolewe village. The operating history of the Premises is without issue. The Hotel has been visited by the LSO in the course of this enquiry and it is obvious that the owner is diligent in observing the requirements of both the Licensing and Covid regulations.
- b) During the site visit by the LSO the appropriate site notice advertising the application was conspicuously displayed on the frontage of the premises.
- c) The application concerns establishing two outside drinking areas to expand the operational footprint of the Premises. Amended layout plans of acceptable standard have accompanied the application.
- d) The area's concerned are suitable for serving alcohol to customers as well as being directly attached to the Hotel for ease of supervision. There are neighbouring properties and it will be incumbent on the applicant to be diligent in terms of supervision to ensure public nuisance issues such as customer noise do not manifest themselves.
- e) A concerned neighbour has contacted the LSO complaining that on some occasions patrons have exited the premises via a low boundary fence and crossed their garden. The applicant is aware of these matters and has erected a boundary fence to stop such occurrences.
- f) During the statutory consultation phase of this application no formal objections or Representations have been received by the board

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the schedule of local conditions:

- m. After 2200 hrs alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.
- n(i). No live or recorded music shall be played in any outdoor drinking area.
- o. The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.
- p. The licence holder shall ensure that all outdoor tables are regularly cleared of all used glassware, crockery, cutlery and refuse.

8.3 Special conditions

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

- (1) The Licence Holder shall be responsible for ensuring the integrity of boundary fencing to prevent customers exiting the Premises via neighbouring property.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions and special condition detailed at para 8.2 and 8.3.

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/CSR/0710

Date: 8 June 2021

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