

The Highland Licensing Board

Meeting – 28 November 2023

Agenda Item	8.6
Report No	HLB/135/23

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

Inverlochy Castle Hotel, Torlundy, Fort William, PH33 6SN

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Inverlochy Castle Limited, Inverlochy Castle Hotel, Torlundy, Fort William, PH33 6SN.

1.0 Description of premises

1.1 The premises operates as a luxury hotel with restaurant in a former baronial home in a rural location, set within its own garden, north of Fort William. The hotel offers 17 letting bedrooms which can accommodate 53 guests.

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) Operating Hours :
 - (a) Update terminal on-sale hour, Monday to Wednesday and Sunday to 0100 hours;
 - (b) Update opening on-sale hour on Sunday to 1100 hours and
 - (c) Update opening off-sale hours, Monday to Sunday to 1000 hours;
- 2) Operating Plan : Add bar meals and music as activities both within and outwith core licensed hours; add celebrations, funerals, club meetings and outdoor drinking to take place outwith core licensed hours;
- 3) Any other activities : on occasions, a marquee may be sited within footprint of licensed premises for functions;
- 4) Seasonal Variation : add seasonal variation to take advantage of the Licensing Board's festive policy;
- 5) Capacity : Increase bedroom capacity from 53 persons to 63 persons;
- 6) Layout Plan : Update to include a newly built, 8 bedroom walled garden premises and a two bedroom gate lodge;
- 7) Update children and young person's policy wording;
- 8) Description of premises : Revise to reflect above modifications.

4.0 Background

- 4.1 On 1 September 2023 the Licensing Board received an application for a major variation of a premises licence from Inverloch Castle Limited.
- 4.2 The application was publicised during the period 28 September to 19 October 2023 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:

www.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:-

- (1) The premises comprise of a world class prestige luxury hotel with restaurant in former baronial home in rural location. The major variation application seeks to include within the licensed premises, an additional 8 bedrooms which are located within a private walled garden and a former gate house for the provision of additional accommodation.
- (2) The variation sought also seeks to update/cover a number of amendments/changes to the existing Premises Licence to reflect what now currently requires to be licensed.
- (3) The application is within Highland Licensing Board policy.
- (4) The application is consistent with the Licensing Objectives.
- (5) There have been no objections to this application.
- (6) I have no objections to this application .

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(s) 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 Late Opening conditions

In view of the seasonal variation request, the Board may wish to consider attaching the following special condition(s):

- (1) First Aid must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
 - (a) the time at which the premises next close; and
 - (b) 0500 hours

- (2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
 - (a) the time at which the premises next close; and
 - (b) 0500 hours or such other time as the Licensing Board may specify.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/late opening conditions 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/1146
Date: 14 November 2023
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