

The Highland Licensing Board

Meeting – 25 February 2025

Agenda Item	10.4
Report No	HLB/16/25

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

Grant Arms Hotel, The Square, Grantown on Spey, PH26 3HF

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by R Squared Investments Limited, Flat B, Winchendon Road, Teddington, London, TW11 0SX.

1.0 Description of premises

1.1 Long established hotel, situated in the centre of Grantown on Spey and close to world-famous Cairngorm National Park and a 45 minute drive from Inverness.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 2400 hours

Sunday: 1200 hours to 2400 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Add off sales 10.00-22.00 hrs to allow for sale of whisky following tasting.
- (2) Amend Sunday on sales to commence at 11.00 hrs.
- (3) Add outdoor drinking area.
- (4) Amend capacity.
- (5) Change of use of old 'staff quarters' to whisky/snug and private drinking area.

4.0 Background

- 4.1 On 20 November 2024 the Licensing Board received an application for a major variation of a premises licence from R Squared Investments Limited.
- 4.2 The application was publicised during the period 2 December until 23 December 2024 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:-

Application is sought for a major variation to amend and update various aspects of the current licence to reflect the proposed trading activities of the premises moving forward and the operators are seeking to apply for the following amendments: -

(i) Change of sale of alcohol from on sales only to include both on and off sales covering the following hours: -

On sales – Monday to Sunday - 1100 hours to 0000 hours

Off sales – Monday to Sunday - 1100 hours to 2200 hours

(ii) Application is sought for change of use of two former staff rooms on the first floor of the premises into a whisky tasting room and a separate small private dining area for exclusive use by a small number of guests at any given time.

(iii) Application is sought to include an outdoor drinking area to the licensed footprint of the premises. This outdoor drinking area is situated to the side of the premises adjacent to the road, known as Strathspey Gardens with a capacity for 20 seated guests.

(iv) The LSO has visited the premises and provided advice and guidance in the compilation of the application. The application and operating plan are compliant with the Board's policy.

(v) The LSO is satisfied that should the HLB wish to grant this application then there will be no threat to the Licensing Objectives.

(vi) Following the public consultation phase of this application no objections or representations have been made to the Board..

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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 conditions be attached:

(l) The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer

(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 used glassware, crockery, cutlery and refuse.

8.3 Special conditions

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

(1) The premises licence holder shall ensure adequate supervision of patrons using the curtilage of the premises for smoking, so that no noise nuisance is caused to nearby residents.

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/293

Date: 12 February 2025

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