

Our ref: FSS/0001/098469/LDC/AH/MC
Your ref:

Argyll & Bute Licensing Board
Legal & Regulated Support
Kilmory
Lochgilphead
PA31 8RT

Email: licensing@argyll-bute.gov.uk

12 February 2024

Dear Clerk

**Application for Provisional Premises Licence by Benmore Estate Limited for Glenforsa Café and Farm Shop
Notice of Objection**

We act on behalf of Brendan Walsh and Alison Walsh who are the owners and operators of the Glenforsa Hotel. Our clients wish to object to the grant of a proposed provisional premises licence application by Benmore Estate Limited for Glenforsa Café and Farm Shop.

Our clients submit that the grant of the provisional premises licence as proposed should be refused having regard to Sections 25(a), (c), (d) and (e) of the Licensing (Scotland) Act 2005. The details explained below.

Background

Our clients are the owners and operators of Glenforsa Hotel since 2003. It is run by the family business. Our clients purchased the premises from a failed business and turned it into a thriving part of the local community, which employs local staff and contributes to the local economy through their suppliers. Our clients are accordingly in their 21st season and operate between April and mid-October.

The Glenforsa Hotel comprises a restaurant and bar, a residents lounge, a private lounge for small functions. It has 14 en-suite bedrooms and one self-catering lodge.

Objections

Our clients consider that your grant of the provisional premises licence as proposed would be inconsistent with the licensing objectives of preventing crime and disorder, securing public safety and preventing public nuisance. Our clients are separately of the view that the licence as proposed should be refused having regard to the nature of the activities proposed and the location of the premises.

Our clients' understanding of the proposal of the applicant (based on the information disclosed by the Board's licensing officer) is to operate as a café and farm shop. The operating plan, however, discloses the proposed operation well beyond that general description. The operating plan seeks that the sale of the alcohol for up to 60 persons on the premises, until midnight every night.

The premises do not have any accommodation. The location of the premises do not benefit from any public transport links. In the circumstances, our clients are concerned that the location of these premises, the absence of public transport, and the consumption of on sales alcohol with no option of accommodation for drinkers presents a risk to the licensing objectives. Specifically that there is a clear and substantial risk of crime and disorder and inconsistency with securing public safety objective as customers will be tempted to drive under the influence.

Our clients' premises cater for the sale of food until 9 pm and drinks until 11 pm. They offer accommodation, and in the circumstances and therefore persons who might otherwise consider driving to be afforded the opportunity of accommodation on the premises to mitigate against the dangers of drink driving.

Our clients also feel that the description of the premises as a café and farm shop is not consistent with the operation of the premises which seeks to have activities such as restaurant facilities, bar meals, receptions, club meetings, recorded music, live performances, televised sport and outdoor drinking facilities. In addition our clients notes that permission for restaurant facilities and recorded music is sought for outwith core hours.

Our clients are therefore concerned that the operation of these premises in this location with outdoor drinking facilities, and operation outwith core hours could lead to a level of public nuisance not consistent with this quiet surround.

Separately, our clients consider that the grant of the licence would result in an overprovision of licensed premises in the locality for the hours proposed to be operated. In this location, our clients already provides alcohol until 11 pm. Furthermore, there are facilities one mile away in the village of Salen.

In Salen there is a hotel with a bar and restaurant. Our clients operated an Italian Restaurant in Salen, but those premises required to close in 2017 due to a lack of trade in the area. Our clients are therefore concerned that should these premises operate such late hours for the provision of alcohol, it could result in the effect of closure of other existing premises, including their own. In the circumstances, it is submitted that there are sufficient licensed premises within this locality and as a result the grant of a further license for such late hours would result in an over provision of licensed premises in the area.

It is further submitted in respect of this ground of objection operation of the premises to 12 midnight to serve alcohol is not consistent with the description of the premises as a café and farm shop.

Our clients would not object to the grant of this provisional premises license on the ground of over provision, for example, if this licence however is restricted to daytime trade, terminating in the early evening, consistent with a café operation.

Thank you for your consideration of this objection and we look forward to hearing from you.

Yours faithfully



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