

## The Highland Licensing Board

Meeting – 4 November 2014

Agenda Item	6.1
Report No	HLB/136/14

### Application for the provisional grant of a Premises Licence under the Licensing (Scotland) Act 2005

#### Report by the Clerk of the Licensing Board

##### Summary

Ref: HC/INBS/569

This report relates to an application for the provisional grant of a Premises Licence for:

**Premises:** Eagle Brae, Strathglass, Beauly, IV4 7LE

**Applicant:** The Partnership of Eagle Brae per Mr M A Spencer-Nairn and Mrs P D Spencer-Nairn, Struy Lodge, Struy, Beauly IV4 7JT

#### 1.0 Background

1.1 The premises are a moveable structure. It is a lock-fast container sited within a self-catering log cabin resort. Alcohol is stored in the container and guests are able to order online from a concierge service. Alcohol is then delivered to the guest's cabin.

1.2 On 18 September 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant, the partnership of Eagle Brae per Mr M A Spencer-Nairn and Mrs P D Spencer-Nairn, Struy Lodge, Struy, Beauly IV4 7JT

The application was accompanied by the statutory fee together with section 50 Planning and Building Standards Certificates.

1.3 The Board has advertised the application on the Council's website for a period of 21 days and the applicant had to display the Notice on site for the same period (29 September to 20 October 2014). Confirmation of Site Notice has been received.

1.4 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's Community Services (Environmental Health), Planning, Building Standards were consulted on the application.

No objections or representations have been received from these consultees.

Notice of the application has been sent to and all the people listed under S21(1) of the Act.

1.5 Notification of the application was also sent to NHS Highland and the local Community Council (Beauly).

1.6 No objections or representations have been received in respect of the application.

## **2.0 Legislation**

2.1 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 ground of refusal may be –

1. The premises are excluded premises;
2. The grant of the application will be inconsistent with one or more of the licensing objectives,
3. 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, if the Board considers the premises are unsuitable for the sale of alcohol.
4. that having regard to the number and capacity of licenced premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result be over-provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted.

2.3 If the Board refuses 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.

## **3. Summary of Application**

### **Off Sales:**

Monday to Sunday 1000 hours to 2200 hours

## **4. Licensing Standards Officer**

The LSO has provided the following comments:

Eagle Brae is an exclusive holiday chalet complex located at Struy, by Beaulieu.

The applicants seek to provide off sales solely to the guests residing on the complex and will not indulge in wider public sales.

Guests will be able to choose from a list of wines/beers/whiskies available to guests on-line and this will thereafter be delivered to their chalet by a concierge service. Traditional off sales hours compliant with the Licensing (Scotland) Act 2005 will be offered.

Alcohol will be stored on site in a shipping container which is used both for the storage of alcohol, foodstuffs and laundry items.

The premises in terms of fees fall into Category 1 of the Licensing Fees, it is a moveable structure in terms of Section 126 of the Licensing (Scotland) Act 2005.

The LSO is of the opinion that should the Licensing Board be minded to grant this application there would be no threat to the Licensing Objectives.

## **5. HLB Local Policies**

The following policies are relevant to the application:

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board combined Equality Scheme
- (iv) Schedule of Local Conditions

## **6 Conditions**

### **6.1 Mandatory Conditions**

None recommended by LSO. If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

### **6.2 Local Conditions**

None recommended.

### **6.3 Specific Condition.**

None recommended.

## **Recommendation**

The Board are invited to determine the application.

If the Board are 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.

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS/569

Author: Wendy Grosvenor

Date: 2 October 2014.

Background Papers: The Licensing (Scotland) Act 2005.