

The Highland Licensing Board

Meeting – 2 October 2018

Agenda Item	8.3
Report No	HLB/093/18

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

Killiehuntly Farmhouse, by Kingussie, PH21 1NZ

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Killiehuntly Farmhouse, By Kingussie, PH21 1NZ.

1.0 Description of premises

1.1 The Killiehuntly Farmhouse is situated in the Cairngorms national Park around 40 miles south of Inverness and four miles from Kingussie and consists of 4 bedrooms offering luxurious accommodation, for either individual room rental or exclusive hire of the property.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Saturday: 1100 hours to 2300 hours

Sunday: 1200 hours to 2300 hours

3.0 Background

3.1 On 19 July 2018 the Licensing Board received an application for the grant of a premises licence from Killiehuntly Farmhouse, Glenfeshie Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 6 August until 27 August 2018 and confirmation that the site notice was displayed has been received.

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

- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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:

http://highland.gov.uk/hlb_hearings

4.0 Legislation

- 4.1 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 are: -

1. that the premises are excluded premises;
 2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
 3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 4. 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,the Board considers the premises are unsuitable for use for the sale of alcohol, or
 5. 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.
- 4.2 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.

4.3 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

(i) Killiehuntly Farmhouse is a refurbished farmhouse near Kingussie, which is a substantial detached dwelling, standing within its own grounds.

(ii) The property has been recently renovated and equipped to a very high standard and is available to customers to corporately book. The grounds are included within the licensed area and maybe used for outdoor functions depending on guest requirements. The premises are well removed from neighbouring properties so there is no risk of noise complaint.

(iii) The premises are suitable for the sale of alcohol in the manner described within the operating plan. All alcohol sales will be made by guest's request and administered by staff. There is no bar counter.

(iv) The necessary section 50 certificates in relation to planning, building standards and food hygiene have been submitted.

(v) From the public consultation phase of this application no objections or representations have been received.

(vi) The LSO is confident from the operating plan submitted that there is no risk of contravening the Licensing Objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

7.0 Conditions

7.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

7.2 Local conditions

There are no existing local conditions and it is not considered necessary to attach any.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

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/627
Date: 6 September 2018
Author: Marjory Bain