

The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	5.8
Report No	HLB/023/20

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

Newhall Mains, Balblair, Dingwall

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 Newhall Mains, Balblair, Dingwall.

1.0 Description of premises

1.1 The premises comprise of a former steading known as Newhall Mains, operating as luxury holiday accommodation and boutique wedding and function venue. The premises comprise of the main building of four cottages, four suites, reception area, whisky room, dining areas and hall, and open courtyard together with adjacent Redgates accommodation.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hrs to 0100 hrs

3.0 Background

3.1 On 28 January 2020 the Licensing Board received an application for the grant of a premises licence from Rebecca Fraser.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene together with a Disabled Access Statement.

3.3 The application was publicised during the period from 14 February to 6 March 2020 and confirmation that the site notice was displayed has been received.

- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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.
- 4.2 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.

4.3 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.

4.4 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

5.1 The LSO has provided the following comments:-

- a) The premises known as Newhall Mains is located near to Balblair, Dingwall. It sits within its own grounds in a rural farmland setting.
- b) This is a former farm steading which is undergoing extensive renovation, to provide luxury accommodation as well as a wedding and function venue.
- c) The operating plan lists a variety of activities and services which may be provided on the premises during and outwith core hours in order to make maximum use of the facilities.
- d) An outdoor drinking area has been identified and it is not considered necessary to impose any conditions restricting its use.
- e) The applicant has considered the terms of entry for children and young persons which they have outlined in the operating plan and is in line with the licensing objectives.
- f) The licensed hours sought are within Board policy and the services and activities to be provided are appropriate for this type of operation.
- g) I am satisfied that the applicant has given due consideration to the licensing objectives and have no cause to object to the grant of the premises licence application.
- h) The site notice has been displayed for the required 21 days. No objections or representations have been received following the public consultation phase of the application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the schedule of local conditions:

- 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.

7.3 Late opening local conditions

- 1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of:
 - (a) the time at which the premises next close; and
 - (b) 0500 hrs.

- 2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day when the premises are open at 0100 hrs) until whichever is the earlier of:-
 - (a) the time at which the premises next close, and
 - (b) 0500 hrs.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para 7.2 and 7.3.

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/CSR/1933
Date: 17 March 2020
Author: G Sutherland