

## The Highland Licensing Board

Meeting – 26 March 2024

Agenda Item	9.4
Report No	HLB/34/24

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

Navidale House Hotel, Helmsdale, KW8 6JS

Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Navidale House Hotel Limited.

#### 1.0 Description of premises

1.1 Country house hotel set in 4 acres catering mainly for hotel guests but offering lunches and evening meals to passing trade.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

- (1) Amend description of the premises.
- (2) Increase on sale hours from 1200 hrs to 2400 hrs each day.
- (3) Remove seasonal variation.
- (4) Amend other activities and services to include music, live performances, dance facilities, indoor/outdoor sports, televised sports.
- (5) Amend children and young persons policy.
- (6) Increase on sales capacity to 179.
- (7) Amend layout plan to include with the outdoor drinking area, all of the top garden area up to the boundary, as marked 'A' on proposed layout plan.
- (8) Change names of public rooms to reflect current usage and layout, as marked 'B' on proposed layout plan.
- (9) Conversion of private sitting room to whisky bar, as marked 'C' on proposed layout plan.

### **3.0 Background**

- 3.1 On 6 February 2024 the Licensing Board received an application for a major variation of a premises licence from Navidale House Hotel Limited.
- 3.2 The application was publicised during the period Monday 12 February until Monday 4 March 2024 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 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 attend a meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

### **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 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.

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 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.

4.4 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.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

1) The property known as Navidale House Hotel is a long-established hotel situated adjacent to the A9 Inverness to Thurso road approximately one mile north of Helmsdale Sutherland.

2) This application is to extend the current activities offered by the premises as well as altering the layout of the premises following a refurbishment. The full detail of the variation is described in detail elsewhere in the report.

3) The premises have operated for many years without adverse comment.

4) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.

5) The children and young persons policy has been updated and is appropriate.

6) The layout plan submitted complies with the required specifications.

7) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

8) During the period of public consultation, no objections were received.

9) I have no objection to the application.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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**

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

### **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/CSR/0288

Date: 7 March 2024

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005