

The Highland Licensing Board

Meeting – 24 June 2025

Agenda Item	9.1
Report No	HLB/50/25

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

Boath House Hotel, Auldearn, Nairn, IV12 5TE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Highland Collective Limited, 5 South Charlotte Street, Edinburgh, EH2 4AN.

1.0 Description of premises

- 1.1 Boath House is a private hotel situated on the outskirts of Nairn sitting in 20 acres of woodland, gardens and lawns, complete with a trout lake. It consists of a dining room, two lounges, a library, eight letting bedrooms and restaurant situated within the walled garden.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Q5(f) to add the word 'markets' under other activities.

3.0 Background

- 3.1 On 8 April 2025 the Licensing Board received an application for a major variation of a premises licence from Highland Collective Limited.
- 3.2 The application was publicised during the period 14 April until 5 May 2025 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 the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

www.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 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:-

(i) Boath House Hotel is a well-established country hotel in its own substantial grounds adjacent to the A96 trunk route at Auldearn, Inverness-shire.

(ii) An application has been made to update the premises licence by way of application for a major variation whereby permission is sought to add market traders at Q5 to broaden the range of activities permitted within the operating plan and at Q5(f) and Q6(b) to amend wording to reflect this change. Within the grounds is an extensive walled garden which is well visited by guests and visitors throughout the year incorporating a small 20-seater tearoom/restaurant, which offers alcohol sales as an ancillary service to customers. This area is already covered within the licensed footprint of the premises and will be used to host market trader activities.

(iii) The amendment sought is within the Highland Licensing Board policy.

(iv) The premises have held an alcohol premises licence since 2009. The premises have been well run and LSO visits have shown the premises to be run in accordance with the terms of their licence.

(v) In summation, the LSO has visited the venue and is of the opinion that the proposed change to the operating plan does not affect the licensing objectives adversely.

(vi) During the public consultation phase of this application, no objections or representations have been received by the Board.

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.

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application to agree the local conditions at paragraph 7.2 above.

If the Board is minded to refuse the application, the Board must specify the grounds 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/103

Date: 11 June 2025

Author: Kata Somogyi