

## The Highland Licensing Board

Meeting – 15 May 2018

Agenda Item	6.2
Report No	HLB/038/18

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

Knocktulchan Lodge, Tulchan Sporting Estate, Advie, Grantown on Spey, PH26 3PW

### 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 Knocktulchan Lodge, Tulchan Sporting Estate, Advie, Grantown on Spey, PH26 3PW.

#### 1.0 Description of premises

1.1 The Knocktulchan Lodge is situated within the grounds of Tulchan Sporting Estate, Grantown on Spey and consists of extensive sleeping accommodation, a kitchen and a reception room.

#### 2.0 Operating hours

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

##### On sales:

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off-sale** hours:

##### Off sales:

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 19 March 2018 the Licensing Board received an application for the grant of a premises licence from Tulchan Sporting Estates Ltd.

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 26 March until 16 April 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](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**

5.1 The LSO has provided the following comments:-

(i) Application has been made to license Knocktulchan Lodge which is a substantial detached dwelling house within the Tulchan Sporting Estate, Advie, Grantown on Spey.

(ii) The purpose is to allow corporate bookings of the premises to facilitate family gatherings, weddings and other events. Alcohol will be dispensed by staff as required. Alcohol packages can be provided according to guests' requirements through pre-ordering, to be self poured by guests, during the course of their stay.

(iii) Off sales have been listed within the application, as this location resources the estate's off sales provision. For instance, fishing or shooting parties based on the estate can order lunch hampers which can include items of alcohol. Provision of off sales is from a lock fast store.

(iv) The premises have been visited by the LSO and they are suitable for the sale of alcohol as indicated within the operating plan.

(v) The application is also accompanied by the necessary section 50 certificates in relation to planning, building standards and food hygiene.

(vi) It is the opinion of the LSO, that the operating plan meets the requirements of 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**

None 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/INBS/621  
Date: 18 April 2018  
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