

The Highland Licensing Board

Meeting – 6 November 2018

Agenda Item	10.4
Report No	HLB/119/18

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

Tulchan Sporting Estates Ltd, Tulchan Lodge, Advie, Grantown on Spey, PH26 3PW

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Tulchan Sporting Estates Ltd, c/o Morton Fraser LLP, 5th Floor Quartermile Two, 2 Lister Square, Edinburgh, EH3 9GL.

1.0 Description of premises

1.1 Tulchan Sporting Lodge is set in 25,000 acres of mixed moor/farming/forestry in Speyside open countryside. The estate provides exceptional shooting and fishing opportunities and provides high quality accommodation for up to twenty six persons.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours & 1700 hours to 1430 hours & 2300 hours
Sunday: 1230 hours & 1830 hours to 1430 hours & 2300 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Amend core licensing hours to read 1100-0100 hrs Monday-Sunday.
- (2) Allow the facility to provide off sales from 1000-2200 hrs Monday-Sunday.
- (3) Allow the addition facilities of Music, Televised Sport and Outdoor Drinking within the operating plan.

- (4) An outside drinking area for guests adjacent to the Lodge has been added (included on revised layout plans).
- (5) Revised premises description to read: "Sporting Lodge set in 25,000 acres of mixed moor/farming/forestry."

The estate has 8 miles of salmon fishing/low ground shooting and stalking.

Tulchan Lodge operates exclusively as the Tulchan Club whereby the 13 bedrooms can accommodate 26 guests who through corporate membership, have use of the lodge and its facilities. Alcohol is offered to guests both by way of on sales and off sales.

- (6) Change of Premises Manager.

4.0 Background

- 4.1 On 20 September 2018 the Licensing Board received an application for a major variation of a premises licence from Tulchan Sporting Estates Ltd.
- 4.2 The application was publicised during the period 24 September until 15 October 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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

5.0 Legislation

- 5.1 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.

5.2 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.

5.3 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.

5.4 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

(i) Tulchan Lodge is a stand-alone granite built Victorian shooting lodge, situated amongst substantial grounds at Advie, by Grantown-on-Spey. The premises operate as the basis for a substantial sporting estate providing accommodation and facilities inclusive of alcohol for paying guests.

(ii) The premises have held a premises licence since the commencement of the Licensing (Scotland) Act 2005. The operating history has been trouble free and the LSO is satisfied that the premises are run in accordance with the terms of their licence.

(iii) Application has been made to upgrade the core licensing hours to allow sales to be made from 1100 hours until 0100 hours Monday to Sunday, and also to allow off sales to be made. The list of activities has been increased at section 5 of the operating plan to allow music, televised sport and out-door drinking.

(iv) The interior of the lodge has been recently extensively refurbished, and a small bar area has been constructed within the residents lounge. This has been incorporated within revised layout plans which also indicate the outside drinking area.

(v) The LSO is of the opinion, that in respect of this very private and exclusive premises none of these changes impacts adversely on the licensing objectives.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

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

8.0 Conditions

8.1 Mandatory conditions

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

8.2 Local conditions

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

8.3 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/251
Date: 22 October 2018
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