

The Highland Licensing Board

Meeting – 19 February 2019

Agenda Item	7.1
Report No	HLB/014/19

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

Strathmashie House, Strathmashie, Newtonmore, Ph20 1BU

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 Strathmashie House, Strathmashie, Newtonmore, PH20 1BU.

1.0 Description of premises

1.1 The Strathmashie House is situated on a bend of the River Mashie nestled between the Monadhliath and Cairngorm Mountains at Laggan, Newtonmore, 55 miles south of Inverness down the A9, set in its own grounds (6.69 acres) and consists of former shooting lodge, holiday cottage, separate flat, courtyard outbuildings, 2 receptions rooms, 7 bedrooms and 4 bathrooms.

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 24 December 2018 the Licensing Board received an application for the grant of a premises licence from Mignonne Khazaka.

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.

- 3.2 The application was publicised during the period 7 January until 28 January 2019 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:

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) Strathmashie House is a substantial former shooting lodge situated within its own grounds at Laggan by Newtonmore.

(ii) The licensed areas will comprise two lounges within the main house which will be available for the use of guests staying at holiday letting properties within the grounds of Strathmashie House and also guests accommodated within Strathmashie House. The licensed area will also house stocks of gin to be sold by way of off sales, either to customers attending at the premises or by way of orders received from customers via the internet. In respect of these latter sales, the applicant is a partner in the Daffy's gin label and one of the out houses of Strathmashie House will house a gin distillery producing the stocks of gin.

(iii) The grounds of Strathmashie House have also been included within licensed footprint to facilitate guests use during seasonal weather, and also for use of activities such as photo shoots.

(iv) Sales of alcohol will always be by way of staff, unless there has been a prior arrangement with guests to allow an honesty bar, following appropriate age verification and explanation of licensing requirements.

(v) The section 50 certificates relating to planning, building standards and food hygiene have been submitted with the application.

(vi) The operating plan is in the opinion of the LSO compliant with the licensing objectives.

(vii) The hours requested are within the policy hours of the Highland Licensing Board.

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 conditions from the schedule of local conditions:

- (b) Whilst in any room with a bar counter, all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- (c) Notwithstanding condition (b) children must not sit or remain at the bar counter at any time.

7.3 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 proposed local conditions detailed at para 7.2 above.

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/634
Date: 30 January 2019
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