

The Highland Licensing Board

Meeting – 30 November 2021

Agenda Item	8.1
Report No	HLB/098/21

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

Arden House Bed & Breakfast, Newtonmore, Kingussie, PH21 1HE

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 Arden House Bed & Breakfast, Newtonmore Road, Kingussie, PH21 1 HE.

1.0 Description of premises

1.1 The Arden House Bed & Breakfast, Kingussie is situated in its own grounds in the heart of Cairngorm National Park close to the main railway line and consists of five en-suite letting bedrooms.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1600 hours to 2230 hours

3.0 Background

3.1 On 24 September 2021 the Licensing Board received an application for the grant of a premises licence from Partnership of Graham Peter Prentice and Janet Majella Kennedy.

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 25 October until 15 November 2021 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) Arden House is a 5 bedroomed Bed and Breakfast establishment capable of accommodating 13 persons, situated in the village of Newtonmore.

(ii) Application is made for an alcohol premises licence under category 1, allowing the sale of alcohol to persons who have secured residential accommodation at the premises.

(iii) The submitted operating plan complies with current Board licensing policy and is compliant with all aspects of the licensing objectives.

(iv) The necessary section 50 certificates have accompanied the application as has a disabled access statement.

(v) Following the statutory public consultation phase of the application no objections or representations were 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 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

No local conditions are considered necessary.

7.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

- (1) Alcohol shall solely be sold to guests who have been allocated residential accommodation on the premises.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition detailed at para. 7.3 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/665
Date: 16 November 2021
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