

The Highland Licensing Board

Meeting – 20 June 2022

Agenda Item	10.5
Report No	HLB/053/22

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

Forse of Nature, Forse House, Latheron

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 Forse of Nature, Forse House, Latheron.

1.0 Description of premises

1.1 The premises is a 4 storey manor house set in private 24 acres with café, craft shop, lounges, function rooms and outside lawn and garden areas along with letting rooms, apartments and holiday cottages. The applicant wishes to licence the ground floor and immediate garden area only.

2.0 Operating hours

2.1 The applicant seeks the following hours:

On sales:

Monday to Sunday: 1100 hrs to 2300 hrs

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 26 April 2022 the Licensing Board received an application for the grant of a premises licence from Jason Watts and Lynn Watts t/a Forse of Nature.

3.2 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.

3.3 The application was publicised during the period from 2 to 23 May 2022 and confirmation that the site notice was displayed has been received.

- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process no timeous objections or representations have been received.
- 3.7 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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.
- 4.2 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.

4.3 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.

4.4 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:-

- a) The property is a remote and rural property situated in the Latheron area of Caithness and is accessed from the A99 Latheron to Wick public road, via three-quarters of a mile private road.
- b) This property is a detached four storey renovated Manor House and is situated within twenty-four acres, with no near neighbours. There is also a large outside hospitality area, café, craft shop, lounges and function room.
- c) The premises will offer alcohol for on and off sales with only the ground floor area being licensed. There is also a large outdoor hospitality area which will occasionally be used for marquee functions, such as weddings.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- f) The layout plan submitted complies with the required specifications.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of public consultation, no objections were received.
- i) I have no objection to this application.

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 condition from the schedule of local conditions:

- m. After 2300 hrs alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition 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/CSR/2006

Date: 2 June 2022

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