

The Highland Licensing Board

Meeting – 10 January 2023

Agenda Item	6.1
Report No	HLB/003/23

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

Fairwinds, Main Street, Carrbridge, PH23 3AA

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 Fairwinds, Main Street, Carrbridge, PH23 3AA

1.0 Description of premises

1.1 The Fairwinds is situated in the centre of Carrbridge and consists of a small country house hotel within substantial grounds, five guest bedrooms, a conservatory/dining room and chalets.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 2400 hours

3.0 Background

3.1 On 26 September 2022 the Licensing Board received an application for the grant of a premises licence from Jeanette Haywood and Peter Roy Haywood.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 21 November until 12 December 2022 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:

[Highland Licensing Board - 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) Fairwinds, Carrbridge is a small country house hotel with 5 guest bedrooms. Within substantial grounds, there are 5 chalets and a former church building converted into a 5 bedroom self-catering unit. The licensed area is the entirety of the grounds inclusive of all the properties.

(ii) Fairwinds held a premises licence for the hotel and 5 chalets between 2008 and 2021. The church building was under development at this time and was not licensed. The current applicants were the previous licence holders between 2014 and 2021, when they surrendered the premises licence. An upsurge in demand for onsite services from customers has led to a further application to restore the premises licence.

(iii) Alcohol provision is offered in the hotel by way of guests ordering drinks from staff members. Guests residing within the self-catering units can obtain catering packages of alcohol delivered in their accommodation from the operators.

(iv) The premises are well appointed and are suitable for the sale of alcohol as it is described in the operating plan. Section 50 certificates relating to planning, building control and food hygiene have been submitted, as has a disability access statement.

(v) The operating plan in the opinion of the LSO is compliant with the 5 licensing objectives and current HLB Policy.

(vi) During the public consultation phase of this application, no objections or representations have been 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

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/675
Date: 14 December 2022
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