

The Highland Licensing Board

Meeting – 14 February 2023

Agenda Item	7.1
Report No	HLB/010/23

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

Dell of Abernethy, Dell Road, Nethy Bridge, PH25 3DL

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 The Dell of Abernethy, Dell Road, Nethy Bridge, PH25 3DL

1.0 Description of premises

1.1 The Dell of Abernethy is situated one mile from the village of Nethy Bridge set within four acres of gardens and woodland and consists of self-catering accommodation and a Scandinavian Tipi.

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 2 December 2022 the Licensing Board received an application for the grant of a premises licence from Partnership of Polly Cameron and Ross Cameron.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 26 December 2022 until 16 January 2023 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) Dell of Abernethy is a small country estate in Nethybridge, Speyside.

(ii) The estate comprises a collection of 6 self-catering accommodations set within four acres of gardens and woodland, one mile from the village of Nethy Bridge. The whole property sleeps up to 30 guests in total, all year round and guests can either book a cottage individually for a self-catering holiday or the operators can also host groups, small weddings, wellness retreats and corporate functions.

(iii) Within the estate area is a Scandinavian Tipi with permanent groundworks, allowing it to be used on a temporary basis to hold concerts, music events and workshops as bookings are received. Most recently it was used as the set for hosting a series of the popular BBC wildlife programme Winter Watch.

(iv) The application has been framed to include the entirety of the grounds within the licensed area to allow the operators flexibility for running events of differing theme and infrastructure; such events as farmers markets and local produce events are likely to be held.

(v) The manner of selling alcohol is broadly that guests using residential accommodation can purchase a drinks package from the operators via a website to be placed in their accommodation. Proof of age verification will be carried out on guest's arrival.

(vi) Off sales are offered to residential guests via the website and also with the entirety of the grounds being covered in the licence, alcohol exhibitors at food events/farmers markets will be covered under the premises licence. The operators will insist on seeing personal licence certification or evidence of staff training from visiting vendors.

(vii) On sale pop up bars maybe utilised to serve at music or concert style events occurring in the Tipi. The operators, Polly and Ross Cameron have extensive licensing experience having run successful licensed restaurants in the past, as well as numerous licensed events at the Dell of Abernethy held under occasional licences, all discharged without complaint or incident.

(viii) The estate is well removed from nearby residential property that noise from

outside events is not a factor requiring application of local licensing conditions.

(ix) The application has been submitted with the necessary section 50 certificates, Disabled access statement and lay out plans.

(x) The LSO has conducted a site visit and has given guidance to the applicants. The application and operating plan comply with Board policy and compliment the 5 licensing objectives.

(xi) Following public consultation 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

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/679
Date: 30 January 2023
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