

The Highland Licensing Board

Meeting – 7 May 2024

Agenda Item	8.5
Report No	HLB/44/24

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

Cawdor Castle, Cawdor, Nairn, IV12 5RD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Angelika Cawdor, Cawdor Castle, Cawdor, Nairn, IV12 5RD.

1.0 Description of premises

1.1 Cawdor Castle is situated in its own grounds about five miles south-west of Nairn. It is a 5 star visitor attraction and also caters for special events with catering provision. Cawdor Castle sells alcohol for consumption in its restaurant, snack bar and a selection of whisky in its gift shops.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 1730 hours
Sunday: 1230 hours to 1730 hours

Off sales:

Monday to Saturday: 1000 hours to 1730 hours
Sunday: 1230 hours to 1730 hours

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

(1) Our operating model will continue to be based around our core business hours of 10.00 to 17.00 hrs Monday to Sunday. We would like to amend licensed hours to 10.00 to 22.00 hrs Monday to Sunday for both on and off sales to accommodate occasional use outwith regular business activity.

(2) Addition of display area for off sales in Highland Shop, increased display area for off sales in Gift Shop, addition of garden area for restaurant/special events (drinks receptions, etc.).

(3) A 5* Visit Scotland visitor attraction with occasional special events with catering provision. Cawdor Castle sells alcohol for consumption in its restaurant, snack bar, and a selection of whisky and gin in its gift shops.

4.0 Background

4.1 On 15 March 2024 the Licensing Board received an application for a major variation of a premises licence from Angelika Cawdor.

4.2 The application was publicised during the period 25 March until 15 April 2024 and confirmation that the site notice was displayed has been received.

4.3 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.

4.4 Notification of the application was also sent to NHS Highland and the local Community Council.

4.5 Further to this publication and consultation process, no timeous objections or representations have been received.

4.6 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:

www.highland.gov.uk/hlb_hearings

5.0 Legislation

5.1 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 may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;
3. 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.

5.2 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.

5.3 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

(i) Cawdor Castle and Gardens is a 5-star visitor attraction situated on an estate approximately 6.5 miles to the south of Nairn and 14 miles east of Inverness.

Application has been made to update the premises licence by way of application for a major variation which seeks to amend description of premises to read as follows:

A 5* Visit Scotland visitor attraction with occasional special events with catering provision. Cawdor Castle sells alcohol for consumption in its restaurant, snack bar, and a selection of whisky and gin in its gift shops.

(ii) Previously only the gift shop and restaurant and snack bar within the Castle

were included within the licensed footprint, now a major variation has been submitted to increase the licensed area and expand the ability to sell alcohol within the operating plan.

Application has been made requesting an amendment for both On and Off sales from 1100 hours until 2200 hours, Monday to Sunday to accommodate occasional use outwith regular business activity. The operating model will continue to be based around the current core business hours of 1000 hours until 1700 hours Monday to Sunday, however, the hours applied for will permit management to cater for occasional requests for private bespoke dinner parties, functions etc. which can be accommodated without having to make extended hours applications.

(iii) Application has been made requesting off Sales capacity to be extended within the operating plan with the addition of display areas for off sales in an area of the Castle known as the Highland Shop to allow for the sale of high-end whisky and gin to visitors. The proposed display area within the Highland Shop is relatively small, amounting to 3.07m². There is also a request to increase the display capacity with the existing gift shop to 1.55m² increasing the overall capacity for off sales across both shops to 4.62 m².

Both amendments sought in respect of on and off sales are within the Highland Licensing Board policy.

(iv) application has been made for the addition of a garden area to be incorporated within the licensed footprint of the premises. This garden is within an area known as The Flower Garden adjacent to the existing restaurant and can be used for special events/drinks receptions etc. This amendment allows flexibility within the operating plan and allows management the ability to offer bespoke parties/events to customers.

The extent and location of the Estate is such that, neighbouring property will not be adversely affected by operations in these outside areas hence, no specific condition limiting hours of operation has been proposed by the LSO. Amended layout plans encompassing all changes have been submitted with the application.

(v) In summation, the LSO has visited the venue and is of the opinion that none of the proposed changes to the operating plan affect the licensing objectives adversely and are all within Board policy.

(vi) The previously operating history of these premises has been incident free.

(vii) During the public consultation phase of this application, no objections or representations have been received by the Board.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 **Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 **Local conditions**

There are no existing local conditions and it is not considered necessary to attach any.

8.3 **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/special condition(s) detailed at para(s). 8.2 and 8.3 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/133
Date: 22 April 2024
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