

The Highland Licensing Board

Meeting – 3 September 2024

Agenda Item	7.1
Report No	HLB/87/24

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

Cairn Lodges, Morar, Arisaig, PH39 4NT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a provisional premises licence in respect of Cairn Lodges, Morar, Arisaig, PH39 4NT.

1.0 Description of premises

1.1 The premises is described as modern luxury accommodation nestled between Arisaig and Mallaig on the old coast road, the B8008. It is set in 15 acres of rural hillside.

The premises comprises of the following lodges:

- Pine View Lodge - accommodates 10 guests
- Raasay Lodge - accommodates 2 guests
- Eigg Lodge - accommodates 4 guests
- Muck Lodge - accommodates 2 guests
- Rum Lodge - accommdates 2 guests
- Skye Lodge - accommodates 6 guests

On sales applies to residents of the lodges only and includes welcome packs which may contain alcohol.

There is an external drinking area for each Lodge which comprises of the decked area, shaded red on the layout plan.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 2300 hours

3.0 Background

- 3.1 On 2 July 2024 the Licensing Board received an application for the provisional grant of a premises licence from Cairn Lodges Limited per Gilson Gray, Blenheim Place, Aberdeen, AB25 2DZ.
- 3.2 The provisional application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.
- 3.3 The application was publicised during the period 30 July 2024 until 20 August 2024 and confirmation that the site notice was displayed has been received.
- 3.4 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.
- 3.5 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:

[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 premises consist of 6 holiday lodges as outlined at paragraph 1.1 above.
 - On sales applies for residents of the lodges only, to include welcome packs that may contain alcohol.
 - The external drinking area for each lodge is shaded in red on the layout plan (decked area).
 - The application is within Highland Licensing Board policy.
 - The application is consistent with the licensing objectives.
 - The primary reason for this application is to be able to provide alcohol as part of a “welcome pack“ if requested at time of booking, (age verification policy in place) and is an indication of the ever evolving business models that applicants require to be able to offer alcohol as part of a package for their paying guests.
 - No objections or representations have been received in connection with the application.
 - No local or special conditions are recommended in respect of this application.
 - I have no objections to this application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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.

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/RSL/2122
Date: 21 August 2024
Author: Julie Traynor