

The Highland Licensing Board

Meeting – 3 September 2024

Agenda Item	9.1
Report No	HLB/89/24

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

Glenmorangie House, Cadboll, Fearn, Tain

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Macdonald & Muir Limited in respect of Glenmorangie House, Cadboll, Fearn, Tain.

1.0 Description of premises

1.1 The premises is a long-established hotel with six bedrooms and three cottages in the grounds situated in a rural area on the outskirts of Cadboll, Fearn. The premises licence was granted on conversion on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

On sales:

Monday to Saturday: 1100 hrs to 2300 hrs
Sunday: 1230 hrs to 2300 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- a) update the layout plan to showing new public areas outside;
- b) update the premises description on the licence;
- c) request amendment to local condition (a) to add the words "This condition does not apply to children who are resident on the premises";
- d) amend on sales hours to 1100 hrs to 0100 hrs daily;
- e) add off sales with hours of 1000 hrs to 2200 hrs daily;
- f) add seasonal variation;
- g) add bar meals as an activity provided during core hours;
- h) add restaurant, receptions, club meetings, music, gaming and outdoor drinks as activities provided during and outwith core hours;
- i) add explanation for activities provided outwith core hours;

- j) update explanation for other activities provided;
- k) update children and young persons policy;
- l) amend on sales capacity and add off sales capacity.

4.0 Background

- 4.1 On 12 July 2024 the Licensing Board received an application for a major variation of a premises licence from Macdonald & Muir Limited.
- 4.2 The application was publicised during the period 19 July to 9 August 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:

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

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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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:-

- a) The property known as Glenmorangie House is a long established licensed premises situated in a rural, predominantly agricultural location on the outskirts of the community of Cadboll, Fearn, Easter Ross.
- b) This application is to extend the licensed footprint of the premises to include extended external and outside areas. The application also seeks to change local conditions, add to activities offered as well as updating operating plan and description of premises.
- c) The full description of changes sought are detailed elsewhere in report.
- d) The variations applied for are very much to update the premises licence in line with intended operations at the premises.
- e) The premises have operated for many years without adverse comment.
- f) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- g) The children's and young persons policy is appropriate.
- h) The layout plan submitted complies with the required specifications.
- i) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- j) During the period of public consultation, no objections were received.
- k) The changes suggested to local condition (a) are agreed and appear to be appropriate for premises and rural location.
- l) I have no objection to this application.

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

It is recommended that local condition (a) be amended as applied for (as set out at 3.1 of the report).

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/CSR/0363
Date: 20 August 2024
Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005/Application Form.