

**ANGUS LICENSING BOARD – 15 MAY 2025**

**PROVISIONAL PREMISES LICENCE APPLICATION UNDER THE LICENSING (S) ACT 2005**

**REPORT BY DEPUTE CLERK TO THE BOARD**

**ABSTRACT**

The purpose of this Report is to present applications for new provisional premises licences under the Licensing (Scotland) Act 2005 which require to be determined by the Board.

**1. RECOMMENDATIONS**

It is recommended that the Board considers and determines the applications for a new provisional premises licence as detailed in the attached Appendix, in terms of one of the following options: -

- (i) to grant the application, subject to Statutory Conditions and any other discretionary local conditions which the Board may wish to impose;
- (ii) to propose a modification to the operating plan or layout plan (or both) and if the applicant accepts the proposed modification, request that the applicant amend the application and, thereafter, grant the modified application with the proposed amendment, subject to the Statutory Conditions and any other discretionary or local conditions which the Board may wish to impose;
- (iii) to defer the application to the next Licensing Board; or
- (iv) to refuse the application on one or more of the grounds referred to in Paragraph 4.

**2. BACKGROUND**

The Board has received applications for a new provisional premises licence under the Licensing (Scotland) Act 2005 which requires to be determined by the Board because the matters are not subject to delegation and can only be discharged by the Licensing Board.

**3. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this Report.

**4. OTHER LEGAL IMPLICATIONS**

The Board must, in considering and determining each application, consider whether any of the grounds for refusal applies and: -

- (a) if none of them applies, the Board must grant the application, or
- (b) if any of them applies, the Board must refuse the application.

The grounds for refusal are: -

- (a) that the subject premises are excluded premises,
- (b) that the application must be refused under Section 25(2) (the Board had previously refused a premises licence within the preceding one year), Section 64(2) (alcohol would be sold for a continuous period of 24 hours from the premises, unless there

are exceptional circumstances which justify allowing the sale of alcohol on the premises during such a period), or Section 65(3) (if alcohol is to be sold for off sales purposes before 10am or after 10pm, or both),

- (c) that the Licensing Board consider, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence,
- (d) that the Licensing Board considers that the granting of the application would otherwise be inconsistent with one or more of the licensing objectives,
- (e) 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 that the premises are unsuitable for use for the sale of alcohol,

- (f) 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.
- (g) in considering whether either of the grounds for refusal specified in (c) or (d) applies, the Licensing Board must in particular take into account—
  - (a) any conviction, notice of which is given by the chief constable under subsection 4(b) of section 21; and
  - (b) any report given by the chief constable under section 24A(2).
- (h) Where the Licensing Board considers that: -
  - (a) they would refuse the application as made, but
  - (b) if a modification proposed by them were made to the operating plan or layout plan (or both) for the subject premises accompanying the application, they would be able to grant the application,

the Board must, if the applicant accepts the proposed modification, grant the application as modified.

Where the Licensing Board refuses the application: -

- (a) the Board must specify the ground for refusal, and
- (b) if the ground of refusal is that specified at 4(c) or (d) above, the Board must specify the licensing objective or objectives in question.

## **5. HUMAN RIGHTS IMPLICATIONS**

In dealing with the matters as set out in this report, the Board will have regard to any human rights issues in relation to the licence holders.

## **6. NOTIFICATION**

Notification of this report has been provided to the applicant/agent and any objectors.

## **7. CONCLUSION**

The Board is requested to consider the application for a provisional premises licence as detailed in the **APPENDIX** to this Report.

**REPORT AUTHOR:** Stuart McQueen, Solicitor, Team Leader – Licensing & Regulation

**E-MAIL:** [LEGDEM@angus.gov.uk](mailto:LEGDEM@angus.gov.uk)

**(a) LIC NO 471, Kinclune House & Steading, Kingoldrum, Kirriemuir, DD8 5HX**

**Name of Applicant**

Partnership of Rowan and Marguerite Osborne, Kinclune Estate, Kingoldrum, Kirriemuir, DD8 5HX

**Type of Licence:** Provisional Premises Licence – On and Off Sales

**1. Description of Premises –**

Kinclune House, Steading and Estate is on the edge of the Cairngorms offering small and large group luxury self-catering accommodation, weddings, events and nature-based outdoor activities in an extraordinary 800-acre setting.

**2. Core times -**

alcohol will be sold for consumption on the premises -

Monday to Thursday	11:00 to 00.00
Friday and Saturday	11.00 to 01.00
Sunday	11.00 to 00.00

alcohol will be sold for consumption off the premises –

Monday to Sunday	11.00 to 22.00
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**The Board are asked to note the hours requested are within Board Policy.**

**3. Seasonal Variation –**

The premises may utilise any additional hours for the period of Christmas & New Year as per Board policy together with any general extension granted by the Board from time to time.

**4. Activities Within and outwith core licensing hours**

Accommodation, conference facilities, restaurant facilities, receptions, club or other group meetings, recorded music, live performances, dance facilities, films, indoor/outdoor sports, televised sport and outdoor drinking facilities

The applicant has stated on the operating plan that activities may take place 24/7 for residents and their *bona fide* guests. For non-residents activities will not continue beyond core hours and will not commence before 07.00

**5. Any other Activities –**

The premises comprise of a Steading and several residential dwellings which offer accommodation and catering for guests often attending pre-booked events including but not limited to weddings, private parties, corporate dinners, product launches, demonstrations, filming, seminars and team building.

**6. Children and Young Persons -**

- a) Terms – Children and young persons will be permitted access when accompanied by an adult
- b) Ages – 0-17 years
- c) Times – All times but not beyond 01.00 unless resident
- d) Parts – All public parts and letting bedrooms

## **7. Capacity**

On Sales 120

Off Sales No alcohol display area

### **Comments Received**

Building Standards has no formal comments to make.

However, it should be noted to the Applicant that prior to making a full license application Completion Certificate should be submitted and accepted for Building Warrant Reference

23/00701/DOM (Conversion of Agricultural Steading).



Project Number: 164
Status: On - Site
Date: 1/25/2025

**Kinclune**  
R & M Osborne  
Kinclune Steading  
Kinglindrum  
Kinross  
Angus  
DD8 5HX



ISSUED FOR  
COMMENT

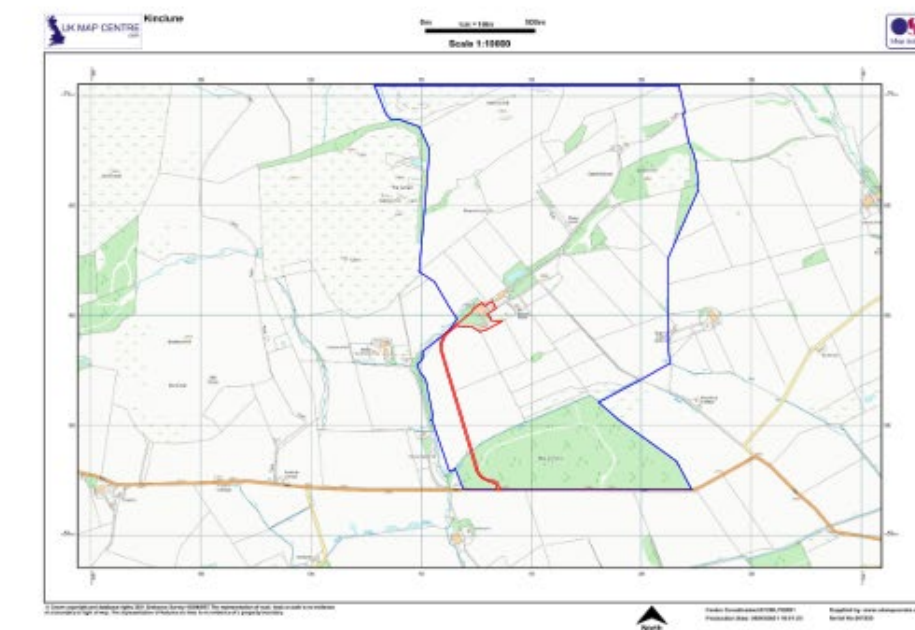
Amendment  
to Warrant  
Pending

## Warnings

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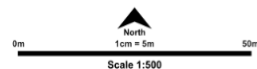
Rural Location Plan

Building Workshop - 01





Kinclune



Grieves House

Steeding

Kinclune House



Licensed Premises



Any area on the premises to which children and young persons will have access

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The Drawing Office  
Humpty House  
Linnathen  
Angus

Project Number: 164

Status: On - Site

Date: 13/01/2025

## Kinclune

R & M Osborne

Kinclune Steading  
Kingoldrum  
Kinnmuir  
Angus  
DD8 5HX



ARCHITECTURE  
FRINGE 2019



Chartered Architect

ISSUED FOR  
COMMENT

Amendment  
to Warrant  
Pending

Warnings

ISSUED:

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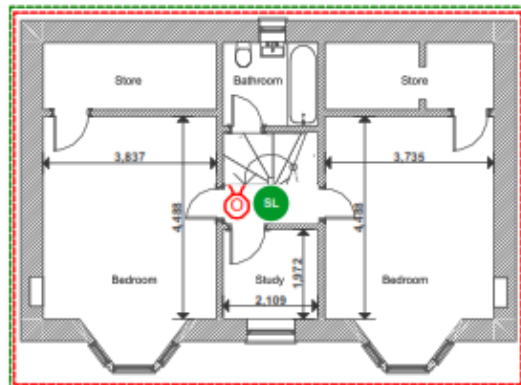
OS Site Plan

Building Workshop - 01



- SL** Plug-in fire-safety light
- FB** FIRE BLANKETS
- WE** WATER FIRE EXTINGUISHER
- CO<sup>2</sup>** CO<sup>2</sup> FIRE EXTINGUISHER
- M** MAP WITH EXIT ROUTES / MUSTER POINT / LOCATION OF EXTINGUISHERS
- FH** Fire Hydrant
- MP** Muster Point
- I** Ionisation Detector Sounder
- O** Optical Detector Sounder
- H** Heat Detector & Sounder
- Emergency Lighting**
- Exit** Fire Exit

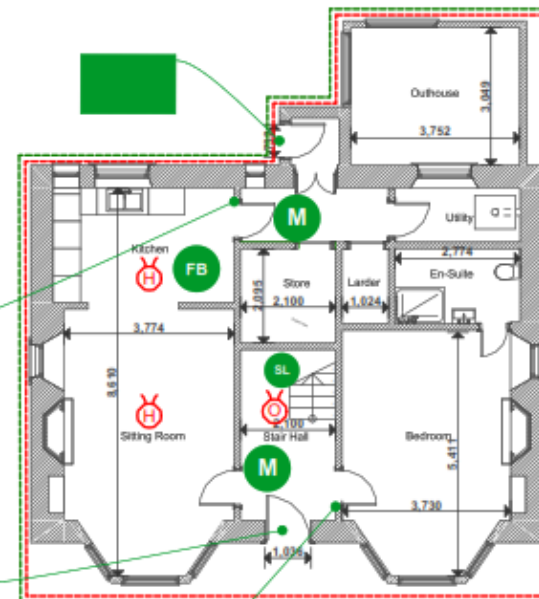
Maximum occupancy capacity 6 persons



Licensed Premises if For Full Extent of Licensed Area please see 1:500 OS Site Plan

Any area on the premises to which children and young persons will have access if For Full Extent of Licensed Area please see 1:500 OS Site Plan

All doors fitted with intumescent strips and self closing mechanisms



Drawing Issued for Licensing NOT CONSTRUCTION



**Building Workshop**  
The Drawing Office  
Humpty House  
Luton  
Anglia

Project Number: 154  
Status: On-Site  
Date: 13/01/2023

**Kinclune**  
R & M Osborne  
Kinclune Seading  
Kingdom  
Kinclune  
Anglia  
ODS SHK



ARCHITECTURE  
FRINGE 2019  
**RIBA**  
Chartered Architect

ISSUED FOR  
COMMENT

Amendment  
to Warrant  
Pending

Warnings

ISSUED

Grievous House

Building Workshop - 05

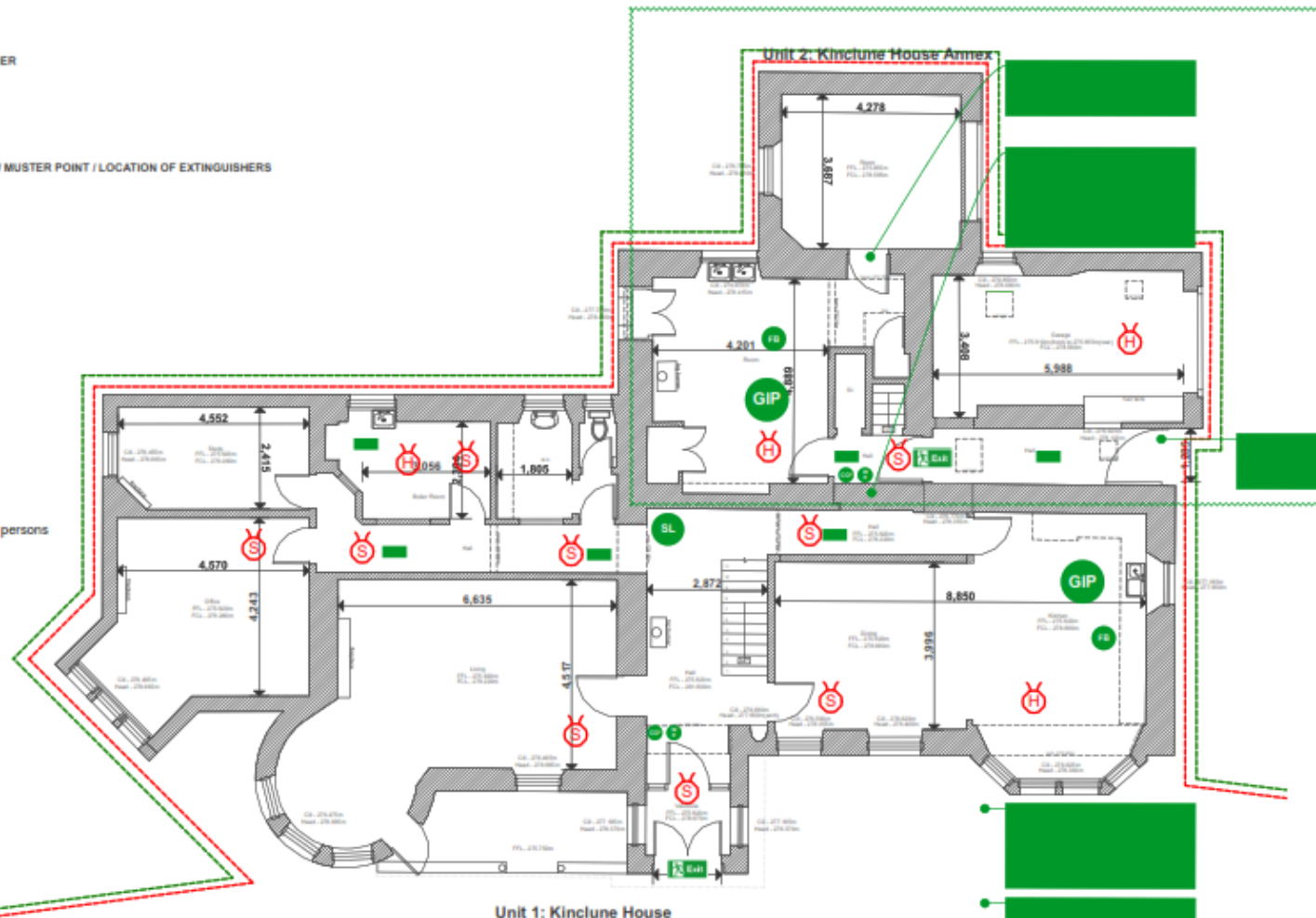
- SL** Plug-in fire-safety lights
- FB** FIRE BLANKETS
- WE** WATER FIRE EXTINGUISHER
- CO<sup>2</sup>** CO<sup>2</sup> FIRE EXTINGUISHER
- M** MAP WITH EXIT ROUTES / MUSTER POINT / LOCATION OF EXTINGUISHERS
- FH** Fire Hydrant
- MP** Muster Point

- S** Smoke Detector Sounder
- H** Heat Detector & Sounder
- EL** Emergency Lighting
- EXIT** Fire Exit

Maximum occupancy capacity 14 persons

**Licensed Premises** / For Full Extent of Licensed Area please see 1:500 OS Site Plan

**Any area on the premises to which children and young persons will have access** / For Full Extent of Licensed Area please see 1:500 OS Site Plan



Unit 1: Kinclune House

**MP**

Drawing Issued for Licensing NOT CONSTRUCTION



**Building Workshop**  
The Drawing Office  
Humpy House  
Linton, Angus

Project Number: 154

Status: Os - Site

Date: 13/01/2021

**Kinclune**

**R & M Osborne**

Kinclune Steading  
Kinclune  
Angus  
GDA SHK



ARCHITECTURE  
FRINGE 2019

**RIBA**  
Chartered Architect

**ISSUED FOR  
COMMENT**

**Amendment  
to Warrant  
Pending**

**Warnings**

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Kinclune House Ground  
Floor

Building Workshop - 05

Building Workshop - 06

## LICENSING STANDARDS OFFICER REPORT

An application for a Provisional Premises Licence was received from Niall Hassard, Agent acting on behalf of the Partnership of Rowan and Marguerite Osborne in March 2025 in respect of:

**Kinclune House and Steading, Kingoldrum, Kirriemuir, Angus, DD8 5HX**  
**Premises Licence Number: 471**

### **Background: -**

This is an application for a provisional premises licence. As you will note from the location map the premises is located in a rural location close to Kirkton of Kingoldrum in the Angus countryside. The application has been applied for by the Partnership of Rowan and Marguerite Osborne and has been applied for as a partnership with the connected person being noted as being Rowan Osborne and Marguerite Lindsay Osborne.

### **Licensing Standards Officer Report:**

The application is for Kinclune House, neighbouring steading and several residential dwellings which will offer accommodation and catering for guests attending pre-booked events including but not limited to weddings, private parties, corporate dinners, product launches, demonstrations, filming, seminars and team building events.

The application is for on and off sale of alcohol with the core on sale hours being 11:00am to 00:00am on Monday to Thursday and including Sunday. On sale hours for Friday and Saturday are 11:00am to 01:00am. The core hours for off sale of alcohol will be from 11:00am to 22:00pm Monday through to Sunday. The hours requested are within the Licensing Boards Statement of Licensing Policy.

The proposed operating plan indicates that the following activities will be provided alongside the sale of alcohol and will all be provided during and out with core hours and includes accommodation, conference facilities, restaurant facilities, receptions, club or other group meetings, recorded music, live performances, dance facilities, films, indoor/outdoor sports, televised sport and outdoor drinking facilities

The applicant has highlighted on the operating plan that listed activities may take place 24/7 for residents and their *bona fide* guests. Further the applicant has indicated that for non-residents, activities will not continue beyond core hours and will not commence before 07.00am.

I note from the application that children and young person's access has been applied for. The proposed application is to allow children and young person's access to all public parts and letting bedrooms. The application states the terms in which children and young persons will be allowed access is when accompanied by an adult. The proposed terms are in line with the model local conditions.

The application looks to include outdoor drinking and as such if the Board are minded granting the application, then they may want to consider attaching the three outdoor area conditions to the licence. This would keep the premises in line with other premises who have external drinking areas.

The three outdoor area conditions are as follows:

1. Patrons shall not be permitted to use the external drinking areas beyond 21:00.
2. No music shall be provided in the external drinking areas; and
3. No music of amplified sound should be provided anywhere within the licensed premises with the intention of being heard within the external drinking areas.

Finally, the noted capacity of the premises is 120 persons. The capacity is inclusive of the accommodation.

**Statutory Checks**

I do not have any issues with the application and duly submit this report for consideration of Board Members.

Kevin Leith  
Licensing Standards Officer  
Angus Council