

## The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	11.7
Report No	HLB/048/14

### Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

The Stables Restaurant and Café Bar, Armadale, Sleat, Isle of Skye, IV45 8RS

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for a major variation of Premises Licence in respect of The Stables Restaurant and Café Bar, Armadale, Sleat, Isle of Skye, IV45 8RS.

#### 1.0 Description of Premises

The Stables Restaurant and Café Bar is a solely occupied building and the primary food venue serving the Armadale Castle Gardens and Museum of the Isles owned and operated by the Clan Donald Lands Trust. It is located in the renovated stables building on the old Macdonald Estate. Also part of the premises is a terraced area surrounded by a wall on the back of the building where food and alcoholic beverages can be consumed by patrons.

#### 1.1 Current Core Operating Hours

The premises currently enjoy the following operating hours:

##### On Sales:

Monday to Thursday: 1100 to 2400  
Friday: 1100 to 0100  
Saturday: 1100 to 0030  
Sunday: 1230 to 2300

##### Off Sales:

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

## **2.0 Summary of Variation Application**

### **2.1 Variation Sought**

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

- (1) Increase the commencement hour for On Sales hours on Sunday to 1100 hours
- (2) Increase the commencement hour for Off Sales hours on Sunday to 1000 hrs
- (3) Increase capacity of premises from 150 to 170 persons;
- (4) Amend layout plan to include additional outdoor drinking area at the front of the premises.

### **3.0 Background**

3.1 On 17 February 2014 the Licensing Board received an application for a major variation of the Premises Licence from the Licence holder, Clan Donald Lands Trust.

3.2 The application was publicised during the period 20 February 2014 and 13 March 2014.

3.3 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

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

3.4 No objections or representations have been received in respect of the application.

### **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 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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are

situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

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

If the Board refuses 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.

## **5.0 Licensing Standards Officer**

The LSO has provided the following comments:-

- the increase in core hours applied for is within the policy hours of the Highland Licensing Board;
- the layout plan submitted complies with the required specifications;
- there would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

## **6.0 HLB Local Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) 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**

It is not considered necessary to attach any further Local Conditions.

## **Recommendation**

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1265

Date: 17 March 2014

Author: AHM/CN

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