

**The Highland Licensing Board**

**Meeting – 13 May 2014**

Agenda Item	<b>8.6</b>
Report No	<b>HLB/065/14</b>

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

**Castle Moil Restaurant, Kyleakin, Isle of Skye, IV41 8PL**

**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 Castle Moil Restaurant, Kyleakin, Isle of Skye, IV41 8PL.

**1.0 Description of Premises**

Castle Moil Restaurant is situated in the village of Kyleakin, Isle of Skye. The building is detached and the business has three main elements – the restaurant, the souvenir gift shop and the adjoining King Haakon Bar. Each area has its own separate entrance with all areas linked internally. The premises has a slabbed patio area as well as a grassed area, both enclosed by sea walls, with tables for outdoor dining and drinking.

**1.1 Current Core Operating Hours**

The premises currently enjoy the following operating hours:

**On Sales:**

Monday to Saturday: 1200 to 0100  
Sunday: 1230 to 2330

**Off Sales:**

Monday to Sunday: 1000 to 2200

**2.0 Summary of Variation Application**

**2.1 Variation Sought**

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

- (1) Increase the commencement On Sales Hours on Monday to Sunday to 1100 hrs; (currently 1200 hrs Monday to Saturday and 1230 hrs on Sunday);

- (2) Increase the terminal On Sale Hours on Sunday to 0100 hrs (currently 2330 hrs);
- (3) Update description of premises;
- (4) Remove Seasonal Variation;
- (5) Additional activities – conferences, theatre, films, indoor/outdoor sports, televised sports;
- (6) Activities outwith core hours – conference facilities, restaurant facilities, bar meals, receptions, club or other group meetings, music, indoor/outdoor sports, televised sport, outdoor drinking facilities;
- (7) Amend Children's Policy;
- (8) Increase On Sales capacity from 140 to 260;
- (9) Decrease Off Sales capacity from 6 m<sup>2</sup> to 4 m<sup>2</sup>;
- (10) Layout plan – (i) extend outdoor drinking area to include grassed area to west side of building within sea-wall; (ii) remove store adjacent to staff w.c. to include within kitchen area; alter door location/entrance to staff w.c.; (iii) alter door location/entrance to store adjacent to shop;
- (11) Amend Premises Manager's address.

### **3.0 Background**

- 3.1 On 17 March 2014 the Licensing Board received an application for a major variation of the Premises Licence from the Licence Holder, Mr William Park.
- 3.2 The application was publicised during the period 2 April 2014 and 23 April 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 additional activities sought are reasonable and appropriate for the type of operation;
- The premises are considered to be a suitable environment for children and young persons and the proposed amendment to the children's policy is in line with the policy of the Highland Licensing Board;
- The increase in capacity sought is due to the conservative figure initially applied for;
- The description of the premises has been updated to reflect the proposed variation;
- 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/1304

Date: 25 April 2014

Author: AHM/CN

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