

## The Highland Licensing Board

Meeting – 6 January 2015

Agenda Item	8.2
Report No	HLB/007/15

### 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 by Clan Donald Lands Trust, Armadale, Sleat, Isle of Skye, IV45 8RS.

#### 1.0 Description of Premises

1.1 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. There is a terraced area surrounded by a wall on the back of the building and an outdoor drinking area at the front of the premises where food and alcoholic beverages can be consumed by patrons.

#### 2.0 Summary of Variation Application

##### 2.1 Variation Sought

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

- (1) Inclusion of Gatehouse Shop as part of licensed premises (off sales capacity of 0.65 square metres)

#### 4.0 Background

- 4.1 On 10 November 2014 the Licensing Board received an application for a major variation of a Premises Licence from Clan Donald Lands Trust.
- 4.2 The application was publicised during the period 14 November 2014 until 5 December 2014 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:

[http://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

## **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.

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. having regard to the number and capacity of 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 overprovision of licensed premises or licensed premises of that description in the locality.
- 5.2 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.

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:-

- (1) The capacity sought of 0.65 sqm ( i.e. the size of the alcohol display area) does not exceed 40sqm in line with the overprovision statement contained within the policy of the Highland Licensing board.
- (2) The layout plan submitted complies with the required specifications and mandatory conditions.
- (3) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

## **7.0 HLB Local Policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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**

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

### **8.3 Special Conditions**

No special 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/1265

Date: 8 December 2014

Author: AHM/cn

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