

The Highland Licensing Board

Meeting – 14 June 2016

Agenda Item	7.2
Report No	HLB/048/16

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

The Old Post Office, 3 Kilvaxter, Kilmuir, Isle of Skye, IV51 9YR

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of The Old Post Office, 3 Kilvaxter, Kilmuir, Isle of Skye, IV51 9YR.

1.0 Description of premises

1.1 The Old Post Office is a 2 bedroom bed and breakfast serving evening meals in the north end of the Isle of Skye. Alcohol will be served to residents only.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1700 hours to 2300 hours

3.0 Background

3.1 On 6 April 2016 the Licensing Board received an application for the grant of a premises licence from Kathleen Walker.

The application was accompanied by the necessary Section 50 certification in terms of Planning, Building Standards and Food Hygiene.

- 3.2 The application was publicised during the period 15 April 2016 until 6 May 2016 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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

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 are: -

1. that the premises are excluded premises;
2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
3. 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 the premises are unsuitable for use for the sale of alcohol, or
4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.

4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) The applicant proposes to operate a 2 bedroom bed and breakfast for up to 6 guests and makes application for a premises licence for the sale of alcohol only to residents. The premises will fall within category 1 in terms of Regulation 4(d) Licensing (Fees) (Scotland) Regulations 2007. (Alcohol for consumption on the premises only by guests being accommodated there.)
- (ii) The premises are set in their own grounds with no immediate neighbours.
- (iii) The sale of alcohol shall be to residents only.
- (iv) All activities and services referred to in the operating plan are appropriate for this type of operation.
- (v) It is noted that an outdoor drinking area is proposed. As there are no neighbouring residential properties it is not considered necessary to impose any restriction or other conditions on its use.

6.0 Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) 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

No local conditions are considered necessary.

7.3 Special conditions

The Board may wish to consider attaching the following special condition:

- (i) Alcohol sold on the premises is to be consumed on the premises only by guests accommodated there.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition detailed at para 7.3 above.

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/1768

Date: 12 May 2016

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