

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	7.3
Report No	HLB/024/17

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

An Crubh, Duisdale Beag, Isle Ornsay, Isle of Skye, IV43 8QU

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a Premises Licence in respect of An Crubh, Duisdale Beag, Isle Ornsay, Isle of Skye, IV43 8QU.

1.0 Description of premises

1.1 An Crubh is situated in Duisdale Beag, Isle Ornsay, and is a community owned single storey building which will be run by a wholly owned trading subsidiary An Crubh Ltd. The premises include a shop and post office, café, foyer and gathering hall as well as a small meeting room, office, toilets and showers. There is no bar counter and sales of alcohol will not be restricted to people eating on the premises.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 14 February 2017 the Licensing Board received an application for the provisional grant of a premises licence from An Crubh Ltd.

The application was accompanied by the necessary Section 50 certification in terms of Planning.

- 3.2 The application was publicised during the period 17 February 2017 until 10 March 2017 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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://highland.gov.uk/hlb_hearings

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's premises is a community owned building which will be run by the applicant, a wholly owned trading subsidiary of the community group.
- (ii) The premises are a new-build, single storey, detached building which includes a shop and post office, café, gathering hall, meeting room, office and associated facilities.
- (iii) The application is for both on and off sales. Off sales will be displayed within appropriate areas of the shop and on sales may be consumed in all public areas including the area referred to as the outdoor drinking area. There is no permanent bar counter on the premises and on sales will normally be dispensed at the café servery.
- (iv) The proposed off-sales alcohol capacity of 8.85 m² falls below the threshold of 40 m² in terms of the Highland Licensing Board overprovision policy statement.
- (v) The licensed hours applied for are within policy for both on and off sales premises and the activities or services to be provided are appropriate for the specified operation. There are no neighbouring residential properties and it is not considered necessary to impose any restrictions on the use of the outdoor drinking areas.

6.0 HLB local 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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the Schedule of Local Conditions:

- q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

7.3 Special conditions

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

- (1) After 2200 hours children under the age of 16 must be accompanied by an appropriate responsible adult but are excluded from any part of the premises where alcohol is sold or consumed after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal.
- (2) After 2200 hours, if alcohol is sold or consumed on the premises, all persons aged 16 and 17 years must be in the company of, or supervised by an appropriate responsible adult.
- (3) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hours (on any day when the premises are open at that time) until whichever is the earlier of-
 - (a) the time at which the premises next close; and
 - (b) 0500 hours; and
- (4) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-
 - (a) the time at which the premises next close; and
 - (b) 0500 hours.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras.7.2 and 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/1814

Date: 13 March 2017

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