

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.10
Report No	HLB/072/18

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

The Stables Restaurant and Café Bar and the Stables Gift Shop, Armadale, 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 premises is situated in a rural location and comprises a family restaurant and café bar with an outdoor drinking area and gift shop .

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

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

Off sales:

Monday to Sunday: 1000 hours to 1730 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Change premises name to The Stables Restaurant and Café Bar;

- (2) Increase on sales core hours Sunday to Wednesday to terminate at 0100 hours the following day and, Thursday to Saturday, to terminate at 0300 hours the following day;
- (3) Increase off sales hours to terminate at 2200 hours daily;
- (4) To the list of activities during and outwith core hours add indoor and outdoor sports, televised sport and, during core hours only, gaming;
- (5) To the list of activities outwith core hours add outdoor drinking facilities;
- (6) Delete further details section at Q5 and add that the premises may open prior to the commencement of licensed hours during which time all activities and services may be available;
- (7) At 5(f) other activities add high class, late night entertainment, food and alcohol tastings, charity and fundraising events, and that, from time to time, a marquee or other temporary structure may be erected within the licensed area for functions and events;
- (8) Delete terms of entry for children and young persons and substitute "All children must be accompanied by an appropriate, responsible adult. At the discretion of the management unaccompanied young persons may be permitted failing which they too must be in accompanied by an appropriate, responsible adult;

After 2200 hours all young persons must be accompanied by an appropriate responsible adult;
- (9) Increase on-sales capacity to 180 persons and off-sales capacity to 6m²;
- (10) Add a seasonal variation for the festive period;
- (11) Delete premises description and substitute new description removing extraneous detail and incorporating additions and changes to the operating plan;
- (12) Amend layout plan to remove references to the gift shop and extend the boundary of the licensed area;
- (13) Identify the location of the entertainment/dance area on the layout plan.

4.0 Background

- 4.1 On 11 May 2018 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 May 2018 until 4 June 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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://highland.gov.uk/hlb_hearings

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. that 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 the same or similar description as the subject premises, in the locality.
- 5.2 For the purposes of the Act, the licensing objectives are-
- (a) preventing crime and disorder,
 - (b) securing public safety,
 - (c) preventing public nuisance,
 - (d) protecting and improving public health, and
 - (e) protecting children and young persons from harm.

- 5.3 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.
- 5.4 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:-

- (i) The premises currently operate as a café bar/restaurant and gift shop serving Armadale Caste Gardens and Museum.
- (ii) The premises currently have on sales licensed hours Monday to Thursday 1100 hours to 2400 hours, on a Friday from 1100 hours to 0100 hours the following day, on a Saturday 1100 hours to 0030 hours the following day and on a Sunday from 1100 hours to 2300 hours. Off sales hours are currently 1000 hours to 1730 hours daily.
- (iii) The licence holder has now leased the operation of the premises to a third party who wishes to expand the business and operate as “hybrid” premises offering late night, high class entertainment Thursday to Saturday to serve both the local community and the tourist trade.
- (iv) The opportunity has also been taken to add additional services and activities to make maximum use of the facility.
- (v) Plans are in place to create a dedicated dance area. The premises will make use of professional sound and light systems and will satisfy the terms of Board policy requiring that significant facilities within the premises will be dedicated to the provision of entertainment.
- (vi) The premises are located outside the main settlement of Armadale in extensive grounds with a large car park. There are no residential properties in close proximity to the premises and it is considered unlikely that the extended licensed hours and entertainment will cause any public nuisance in this remote and tranquil area.
- (vii) The applicant also seeks to take advantage of the Board’s policy for the Festive Period. If this variation is granted the premises would be permitted to remain open on Thursday, Friday and Saturday nights until 0300 hours the following day during that period subject to compliance with the relevant conditions.
- (viii) The applicant has yet to complete a noise management checklist and an update will be given at the meeting of the Board on 26th June 2018.
- (ix) I am satisfied that the applicant has given due regard to the licensing objectives and I have no cause to object to the grant of this application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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 Mandatory conditions – late opening premises – late opening conditions

The following mandatory late opening conditions set in Schedule 3 of the Act will apply as follows:-

- (1) 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.
- (2) A designated person who is the holder of a personal licence 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 or such other time as the Licensing Board may specify.
- (3) There must be written policies in existence concerning:-
 - (a) the evacuation of the premises; and
 - (b) the prevention of the misuse of drugs on the premises.
- (4) A CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order.
- (5) There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.

(6) A person who holds a licence granted under section 8 of the Private Security Industry Act 2001(a) must be positioned at every entrance to 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 or such other time as the Licensing Board may specify.

8.3 Local conditions

Existing local conditions will continue to apply and it is recommended that the following additional local conditions be attached:

- o On any day for which the terminal hour specified in this licence is later than 0100 hours the following day, alcohol may be sold on the premises after 0100 hours only while entertainment as detailed in the operating plan is being provided and has been provided continuously from no later than 2200 hours.
- p On any day for which the terminal hour specified in this licence is later than 0100 hours the following day, alcohol may be sold and consumed on the premises after 0100 hours only in that part of the premises identified in the operating plan as the part of the premises in which significant entertainment is to be provided.
- 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.

8.4 Special conditions

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

- (1) A written noise management plan acceptable to the Highland Licensing Board must be in place for the premises and any relevant activity or service being provided must be conducted in accordance with that plan.

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 8.3 and 8.4 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/1265

Date: 8 June 2018

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