

**The Highland Licensing Board**

**Meeting – 2 April 2019**

Agenda Item	<b>8.2</b>
Report No	<b>HLB/032/19</b>

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

**Sabhal Mor Ostaig, Teangue, Sleat, Isle of Skye, IV44 8RQ**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Sabhal Mor Ostaig, Teangue, Sleat, Isle of Skye, IV44 8RQ.

**1.0 Description of premises**

1.1 The premises is the Scottish Gaelic Medium College and is set within extensive private grounds.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Saturday: 1230 hours to 0100 hours  
Sunday: 1230 hours to 2400 hours

**Off sales:**

Monday to Sunday. 1230 hours to 2200 hours

**3.0 Summary of variation application**

**3.1 Variation sought**

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

- (1) Amend premises description;
- (2) Increase on sales hours on each day to commence at 1100 hours and, on a Sunday, to terminate at 0100 hours the following day;
- (3) Increase off sales hours on any day to commence at 1000 hours;

- (4) To list of permitted activities during and outwith core hours - add indoor/ outdoor sports, televised sport and outdoor drinking facilities;
- (5) Delete existing further details section and substitute - The premises are open all day when all activities and services may be available to users of the facility;
- (6) At Q5(f) – other activities - add; academic purposes, charity and fundraising events, food and drink promotions, market fayres and gift shop with limited range of foodstuffs. From time to time a marquee or other temporary structure may be erected in the grounds for events and functions and temporary bar counters may be set up in parts of the premises also in support of functions and events;
- (7) Delete existing terms of entry for children and young persons and substitute new terms in accordance with Board policy;
- (8) Add off-sales capacity of 0.48m<sup>2</sup>;
- (9) Update layout plan – addition of shop and outdoor drinking areas and facilities.

#### **4.0 Background**

- 4.1 On 1 February 2019 the Licensing Board received an application for a major variation of a premises licence from Sabhal Mor Ostaig.
- 4.2 The application was publicised during the period 12 February 2019 until 5 March 2019 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://highland.gov.uk/hlb\\_hearings](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 operate as the Scottish Gaelic Medium College and are set within extensive private grounds. On sales hours are currently 1230 hours to 0100 hours the following day Monday to Saturday and 1230 hours to 2400 hours on a Sunday. Off sales hours commence at 1230 hours;

- (ii) The applicant has recently reviewed the business model and wishes to increase on and off sales hours to the maximum available in accordance with Board policy. Additional activities and services during and outwith core licensed hours may be made available to maximise opportunities for increased use of the facility by students, academics and other customers;
- (iii) The opportunity is also being taken to clarify the terms of entry for children and young persons and, in particular, when a temporary bar counter is operating within the premises;
- (iv) A small retail unit is located in the main college reception area and an accessible alcohol display with a capacity of 0.48m<sup>2</sup> has been created. There is no conflict with the Board overprovision policy;
- (v) The current description of the premises contained unnecessary detail and the new description identifies succinctly the relevant parts of the licensed premises and their uses.
- (vi) The applicant has provided an acceptable noise management plan for the premises;
- (vii) I am satisfied that the applicant has given due consideration to the licensing objectives and I gave no cause to object to the grant of the licence.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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/1506  
Date: 13 March 2019  
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