

The Highland Licensing Board

Meeting – 14 January 2020

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| Agenda Item | 7.1 |
| Report No | HLB/004/20 |

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

Elgol Bistro, Elgol, Isle of Skye, IV49 9BL

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 Elgol Bistro, Elgol, Isle of Skye, IV49 9BL.

1.0 Description of premises

1.1 The Elgol Bistro is situated in the village of Elgol and consists of a new 50m² larch clad single storey building enclosed by fence from croft land and road. There is one dining area inside for 20 covers with table service and an outside lawn area for picnic benches/chairs.

2.0 Operating hours

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

On sales:

Monday to Saturday: 1100 hours to 2300 hours

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

Off sales:

Monday to Saturday: 1000 hours to 2200 hours

3.0 Background

3.1 On 4 November 2019 the Licensing Board received an application for the provisional grant of a premises licence from Elgol Bistro Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

- 3.2 The application was publicised during the period 18 November 2019 until 9 December 2019 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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. 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
5. 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.

4.2 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.

4.3 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 has applied for a provisional premises licence for a new build purpose designed 50m² single storey building.
- (ii) The premises are built in a very rural location in Elgol south of Broadford in Skye and they will be a bistro style premises.
- (iii) This is a crofting area with minimal food or drink provision for tourists and residents alike.
- (iv) The premises can accommodate 20 persons seated within the building with a 50m² outdoor eating and drinking area which could accommodate 14 persons.
- (v) The applicant intends to offer a very much food-based service with on sales providing drinks as table service, which will be primarily as ancillary to meals.
- (vi) The applicant will also offer off sales which will be primarily craft beers wines and spirits with a display area of 3.5m².
- (vii) Both on and off sales hours applied for are within Highland Council Board policy.
- (viii) There will be no bar counter for upright drinking.
- (ix) The premises will be family orientated and, in the LSO's view meets the standard of the fifth licensing objective for protecting children and young persons from harm.
- (x) Following the public consultation phase of this application no objections or observations have been received by the Licensing Board.

- xi I am satisfied that applicant has given due consideration to the licensing objectives and I have no cause to object to this application for a provisional premises licence.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 conditions from the schedule of local conditions:

- m. After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.
- n(i) No live or recorded music shall be played in any outdoor drinking area.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para. 7.2 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/1928
Date: 11 December 2019
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