

The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	6.3
Report No	HLB/027/20

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

Dun Craig Castle Scotland Limited, Dun Craig Castle, Plockton, IV52 8TZ

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 Dun Craig Castle Scotland Limited, Dun Craig Castle, Plockton, IV52 8TZ.

1.0 Description of premises

1.1 The Dun Craig Castle is a family home situated on the north west coast close to the village of Plockton. The premises will offer bed and breakfast accommodation for up to 26 guests in 2020 and in 2021, it will be offered as a small wedding venue. There is no restaurant or bar on the premises. There is a patio off the dining room and the castle grounds amount to around 40 acres. There is also a chapel in the grounds.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1200 hours to 2400 hours

3.0 Background

3.1 On 7 February 2020 the Licensing Board received an application for the provisional grant of a premises licence from Dun Craig Castle Scotland 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 17 February 2020 until 9 March 2020 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 premises known as Duncraig Castle, is located close to Plockton on the west coast of Wester Ross.
- (ii) This property sits in its own extensive grounds and is some distance from nearest neighbours.
- (iii) The licensed area applied for, as per the layout plans, is a small portion of the building and is appropriate for the use described within the operating plan.
- (iv) The property is currently run as an exclusive bed and breakfast establishment with accommodation for up to 26 guests.
- (v) The applicant intends to offer the premises as a wedding venue for small intimate weddings.
- (vi) The premises will not operate any form of bar for the public, but alcohol will be served to wedding guests and guests at tables only.
- (vii) 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.
- (viii) Following the public consultation phase of this application, no objections or observations have been received by the Licensing Board.
- (ix) I am satisfied that the applicant has given due consideration to the licensing objectives and I have no cause to object to this application.

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

No local conditions are considered necessary.

7.3 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/1939
Date: 10 March 2020
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