

## The Highland Licensing Board

Meeting – 4 August 2020

Agenda Item	6.1
Report No	HLB/043/20

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

The Galley, Carnbeag, Earlish, by Portree, Isle of Skye, IV51 9XL

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for the grant of a premises licence in respect of The Galley, Carnbeag, Earlish, by Portree, Isle of Skye, IV51 9XL.

### 1.0 Description of premises

1.1 The Galley is a single storey wood and corrugated clad building purpose-built café and is situated approximately 2 miles from Uig ferry terminal. The premises consists of a 16 seat seafood café and takeaway with outside benches for 12 persons.

### 2.0 Operating hours

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

#### On sales:

Monday to Saturday: 1200 hours to 2230 hours  
Sunday: 1200 hours to 2100 hours

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

#### Off sales:

Monday to Saturday: 1200 hours to 2200 hours  
Sunday: 1200 hours to 2100 hours

### 3.0 Background

3.1 On 15 June 2020 the Licensing Board received an application for the grant of a premises licence from Angus MacLeod.

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

- 3.2 The application was publicised during the period 19 June 2020 until 10 July 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

#### **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 Galley, Carnbeag, Earlish, by Portree, Isle of Skye, is a single storey wood and corrugated clad purpose built property situated in a rural location.
- (ii) The application is to allow on and off sales of alcohol as ancillary to the main business which is provision of food, especially seafood, at the premises as well as takeaway of food.
- (iii) As well as the 16 seat area within the premises, there is an outdoor hospitality area seating 12 persons which is included in the application.
- (iv) The full description of the premises is included within the application.
- (v) The core hours applied for are within the policy of the Highland Licensing Board.
- (vi) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (vii) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (viii) The layout plan submitted complies with the required specifications.
- (ix) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (x) During the period of consultation, no timeous objections have been received.
- (xi) I have no objections to this application but would ask that the below condition be considered by the Board.

## **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 condition from the schedule of local conditions:

- m. After 2000hrs hours alcoholic or non-alcoholic drinks shall not be consumed 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 condition 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/1947  
Date: 13 July 2020  
Author: Carol Nicolson