

The Highland Licensing Board

Meeting – 4 August 2020

Agenda Item	8.6
Report No	HLB/050/20

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

Creelers Restaurant, Lower Harrapool, Broadford, Isle of Skye, IV49 9AQ

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Main Green Limited per Harper MacLeod LLP, 45 Gordon Street, Glasgow, G1 3PE.

1.0 Description of premises

1.1 The premises is a detached single storey building situated on the outskirts of Broadford set back from the main A87 road. The premises is run as a restaurant with alcohol being served with food.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1200 hours to 2300 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 “New Creelers Restaurant”;
- (2) Q.2 – vary core hours to allow on sales during 1200 hours to 2300 hours on Sundays;
- (3) Q.5 – vary “restaurant facilities and receptions” to be available as “YES” outwith core licensing hours and add into the box below Q.5 grid the following text – “The premises will be open from 0730 hrs each day for the provision of breakfast, hot and cold food and non-alcoholic drinks. A reception activity may commence before 1200 hours;

- (4) In Q.5(f) “any other activities” – add “the premises will offer takeaway and delivery of food and non-alcoholic drinks during all opening hours”;
- (5) Q.6 – Children and young persons policy – Q.6(b) add the words “or with an adult collecting a takeaway” and Q.6(d) add the words “or with an adult collecting a takeaway” and delete the words “whilst food is served during core hours”.

4.0 Background

- 4.1 On 28 May 2020 the Licensing Board received an application for a major variation of a premises licence from Main Green Limited per Harper MacLeod LLP.
- 4.2 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.
- 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 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.

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) Creelers Restaurant, Broadford, Isle of Skye, is a single storey property in a mixed residential and rural area on the outskirts of Broadford, Isle of Skye.
- (ii) The variation application is to allow for the change of name of the premises, the increase of operating hours to include Sundays and also the expansion of operations to include takeaway provision of food.
- (iii) The full description of the variation application is included in the application.
- (iv) The core hours applied for are within the policy of the Highland Licensing Board.
- (v) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (vi) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.

(vii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

(viii) I have no objection to this application.

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

There are no existing local conditions and it is not considered necessary to attach any.

8.3 Special conditions

No additional 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/1310
Date: 22 July 2020
Author: Carol Nicolson