

The Highland Licensing Board

Meeting – 12 January 2021

Agenda Item	9.1
Report No	HLB/008/21

Application for a major variation of provisional 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 a major variation of provisional premises licence by Dun Craig Castle Scotland Limited, Dun Craig Castle, Plockton, IV52 8TZ.

1.0 Description of premises

1.1 Dun Craig Castle is a family home located on the north west coast close to the village of Plockton. It will offer bed and breakfast accommodation for up to 26 guests and also be offered as a wedding venue for small intimate weddings. Only breakfast is provided and there is no restaurant or bar.

There is a patio off the dining room where guests may sit and have a drink. The castle grounds amount to around 40 acres, therefore, if the grounds were to be used for marquee use it would be nicely secluded. There is also the Castle's chapel that will be available for use.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Layout plan - extension of licensed footprint to include the sitting room and library;
- (2) Addition of honesty bar in the library;
- (3) Update children and young persons policy in relation to the honesty bar;
- (4) Update premises description to include the sitting room, library and honesty bar.

3.0 Background

- 3.1 On 12 November 2020 the Licensing Board received an application for a major variation of a provisional premises licence from Duncraig Castle Scotland Limited.
- 3.2 The application was publicised during the period 18 November 2020 until 9 December 2020 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 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 attend a virtual hearing and/or 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 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.

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 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) The property known as Duncraig Castle is a detached property set in its own grounds in a secluded part of the country close to Plockton, Ross-shire.
- (ii) The premises currently have a provisional licence and the applied for major variation will be included in the imminent confirmation application.
- (iii) The variation application is to allow for the change in increasing operations and business within the premises which includes extending the licensed areas shown on the layout plan. There is also the addition of an honesty bar within the licensed area to allow for a better service provision for guests of the premises. There is no change to current licensing hours.
- (iv) The full description of the variation application is included in the application.
- (v) The core hours applied for are within the policy of the Highland Licensing Board and have not changed from the existing provisional licence.
- (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 public consultation, no objections were received.
- (xi) I have no objection 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

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

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 December 2020
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