

The Highland Licensing Board

Meeting – 26 October 2021

Agenda Item	7.2
Report No	HLB/083/21

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

Atholl House, Dunvegan, Isle of Skye, IV55 8WA

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 Atholl House, Dunvegan, Isle of Skye, IV55 8WA.

1.0 Description of premises

1.1 Atholl House is situated in the within the village of Dunvegan and is a long established guest house that has 9 en-suite bedrooms on two floors, a dining room, lounge and outdoor hospitality areas. There is no bar within the premises and the sale of alcohol will be by table service only.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1200 hours to 2300 hours

3.0 Background

3.1 On 27 August 2021 the Licensing Board received an application for the grant of a premises licence from Atholl House (Skye) Ltd.

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 10 September 2021 until 1 October 2021 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 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

The LSO has provided the following comments:-

- (i) The property known as Atholl House is a detached property set in its own grounds adjacent to the A863, within the village of Dunvegan in the north west of the Isle of Skye.
- (ii) The premises have been a long-established guest house with nine en-suite bedrooms on two floors, a dining room and lounge, as well as owner's accommodation.
- (iii) There are also outdoor hospitality areas which are clearly marked as part of the licensing footprint.
- (iv) The application is to allow for the grant of a premises licence to allow for the on sale only of alcohol to residents and non-residents, by table service only. There will be no bar within the premises and no vertical drinking.
- (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 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

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 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in any outdoor 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/1986
Date: 4 October 2021
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