

The Highland Licensing Board

Meeting – 9 August 2022

Agenda Item	6.2
Report No	HLB/064/22

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

Granary Restaurant, Somerled Square, Portree, Isle of Skye, IV51 9EH

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 Granary Restaurant, Somerled Square, Portree, Isle of Skye, IV51 9EH.

1.0 Description of premises

1.1 The Granary Restaurant is situated in the centre of Portree and is a well established restaurant.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 0100 hours

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

Off sales:

Monday to Sunday: 1000 hrs to 2200 hours

3.0 Background

3.1 On 13 June 2022 the Licensing Board received an application for the grant of a premises licence from Caledonian Skye (Skye) Ltd per TLT Solicitors.

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 20 June 2022 until 11 July 2022 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, the following timeous notice of objection has been received and is appended:

Objection dated 11 July 2022 from Lachlan MacLeod (**Appendix 1**).

- 3.6 The applicant and the objector have been invited to attend the hearing. They have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

https://www.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 property known as Granary Restaurant, is a detached property. The property is situated in the centre of Portree, Isle of Skye.
- (ii) The application is to allow for the provision of alcohol by both on and off sales. There is a large restaurant area for dining and provision of alcohol as well as outdoor areas where alcohol may be consumed.
- (iii) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (iv) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (v) The layout plan submitted complies with the required specifications.
- (vi) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (vii) During the period of public consultation, one objection was received which does not appear to relate to Licensing legislation.
- (viii) 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(s) from the schedule of local conditions:

- (m) After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed 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/2015

Date: 15 July 2022

Author: Carol Nicolson

Appendix: Appendix 1 – Objection dated 11 July 2022 from Lachlan MacLeod

Appendix 1

From: [REDACTED]
To: [Licensing](#)
Subject: LICENSING OBJECTION - THE GRANARY RESTAURANT PORTREE IV51 9EH
Date: 11 July 2022 16:16:18
Attachments: [Licence objection completed.pdf](#)
[Phoenix Company.pdf](#)

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear sirs,

I wish to object to the Licence Application for the Granary Restaurant, Somerled Square, Portree, Isle of Skye. The application has been made by Caledonian Skye (Skye) Ltd (SC710545) which is operated by company director Campbell Dickson aka Campbell Watt Dickson.

Mr Dickson is a former director of Caledonian Skye Ltd (SC279023) a dissolved company which previously held a licence at the Granary Restaurant. The company collapsed with debts exceeding £1million. The applicant is attempting to mislead the public, customers and suppliers into thinking they are dealing with the dissolved company. This is contrary to Chapter 3 Section 66 of the Companies Act 2006.

Regards

Lachlan Macleod

FreeMail powered by mail.co.uk



REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes or emailed to licensing@highland.gov.uk. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

Full Name and Address of person making objection/representation:

Lachlan MacLeod, [REDACTED]	
Telephone Number:	[REDACTED]
Email Address:	[REDACTED]

2 Address of Premises in respect of which objection / representation is made:

The Granary Restaurant, Somerled Square, Portree, Isle of Skye IV51 9EH

3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details) (Continue on separate sheet if necessary)		
<input type="checkbox"/>	Excluded Premises	The applicant is using a very similar company name to a dissolved company which previously held a licence at these premises, to mislead members of the public and suppliers. This is prohibited under the Chapter 3 Section 66 of the Companies Act 2006. This is contrary to the licencing objectives.
<input type="checkbox"/>	Off-Sales Hours/24 hour drinking	
<input checked="" type="checkbox"/>	Licensing Objectives	
<input type="checkbox"/>	Activities/Premises/Customers	
<input type="checkbox"/>	Over Provision	

4. Details of any REPRESENTATION (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
<input type="checkbox"/>	in support of application	
<input type="checkbox"/>	seeking an amendment to the operating plan, or	
<input type="checkbox"/>	seeking to add additional conditions	

Signature:--- [REDACTED]

Date... 10th July 2022

DISSOLVED COMPANY

CALEDONIAN SKYE LIMITED

Company number SC279023

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1 Insolvency case

Case number 1 — In administration

Administration started
29 October 2019

Administration ended
22 October 2021

Practitioner

Derek Forsyth
Titanium 1 Kings Inch Place, Renfrew, PA4 8WF

Practitioner

Blair Milne
Titanium 1 Kings Inch Place, Renfrew, Renfrewshire, PA4 8WF

CALEDONIAN SKYE LIMITED

Company number SC279023

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[DICKSON, Campbell Watt](#)

Correspondence address

Titanium 1., King's Inch Place, Renfrew, PA4 8WF

Role	Date of birth	Appointed on
Director	December 1966	12 March 2013

Nationality	Country of residence	Occupation
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PHOENIX COMPANY

Prohibited under Chapter 3 Section 66 of the Companies Act 2006

CALEDONIAN SKYE (SKYE) LTD

Company number SC710545

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Filter officers

Current officers

1 officer / 0 resignations

[DICKSON, Campbell Watt](#)

Correspondence address

Rosedale, Beaumont Crescent, Portree, Skye, Highland, Scotland, IV51 9DF

Role	Date of birth	Appointed on
Director ACTIVE	December 1966	27 September 2021

Nationality	Country of residence	Occupation
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