

The Highland Licensing Board

Meeting – 14 February 2023

Agenda Item	7.3
Report No	HLB/012/23

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

Café Cùil, 4 Satran, Carbost, Isle of Skye IV47 8SU

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 Café Cùil, 4 Satran, Carbost, Isle of Skye, IV47 8SU

1.0 Description of premises

1.1 The Café Cùil is situated in a rural location in Satran, Carbost and is in the ground floor of a two storey new build and consists of a restaurant, small shop and outdoor seating area.

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 hours to 2200 hours

3.0 Background

3.1 On 29 November 2022 the Licensing Board received an application for the grant of a premises licence from Café Cùil 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 7 December 2022 until 28 December 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, no timeous objections or representations have been received.
- 3.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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 premises are located in Satran, 1.6 miles from the village of Carbost in a rural location on approximately one acre of its own land. The premises is located on the ground floor of a fairly new build. The second storey, which consists of two flats (one for staff accommodation and one for self catering accommodation) is not to be licensed.
- (ii) The premises is a restaurant with table service of alcohol and off sales provision within the restaurant via a small shop. There is also an outdoor seating area.
- (iii) All aspects of the application comply with the HLB policy.
- (iv) The application is consistent with the licensing objectives.
- (v) No objections have been received on any aspect of this application.
- (vi) I conducted a site visit to the premises prior to the application being submitted.
- (vii) This is a food led operation which traded very successfully last year. This application, if approved, is a natural progression of what they have to offer to locals and tourists alike.
- (viii) I have no objections 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

No local conditions are considered necessary.

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/2031
Date: 12 January 2023
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