

**The Highland Licensing Board**

**Meeting – 28 March 2023**

Agenda Item	9.3
Report No	HLB/037/23

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

**Coruisk House, Elgol, Isle of Skye, IV49 9BL**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Claire Winskill, Coruisk House, Elgol, Isle of Skye, IV49 9BL.

**1.0 Description of premises**

1.1 The premises is a detached property in the village of Elgol and operates as a restaurant with rooms.

**2.0 Summary of variation application**

**2.1 Variation sought**

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

- (1) To extend the permitted areas within the buildings of Coruisk House and The Steading and Tigh an Nead for the consumption of alcohol;
- (2) To add an outside drinking area to Coruisk House and The Steading;
- (3) To add off sales hours (1200 hours to 2200 hours each day) on a permanent basis (including online sales) from stock (following the minor variation to that effect granted July 2020);
- (4) To remove the specific condition requiring a meal to accompany all on sales;
- (5) To allow music (not amplified and not to exceed 85 decibels);
- (6) To include bar meals;
- (7) To amend the description of the property in the Operating Plan to incorporate new adjoining guest accommodation, namely The Steading, and the cottage Tigh an Nead;

- (8) Re seasonal variations, to amend to permit the premises to take advantage of any Highland Board festive hours policy.

### **3.0 Background**

- 3.1 On 16 January 2023 the Licensing Board received an application for a major variation of a premises licence from Claire Winskill.
- 3.2 The application was publicised during the period 23 January 2023 until 13 February 2023 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. Environmental Health requested that a condition be put on the licence as follows:-

"With respect to the outdoor drinking areas as detailed on the plans submitted, given there are other residences in close proximity and so as to protect the amenity of any persons not connected to the establishment, no outdoor drinking shall occur past 2200hrs. The only exceptions to this would be for special occasions (i.e. weddings) or seasonal variations that extend permitted hours (i.e. Hogmanay or similar) as per the licensing standards. In addition, as the applicant has stated in the application that no music is to exceed 85dB(A), then this is required to be adhered to."

Reference to this request is addressed in the LSO comments at 5.1

- 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:

[www.highland.gov.uk/hlb\\_hearings](http://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 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 premises now consist of Coruisk House Main Guest House/Restaurant, The Steading and the cottage, Tigh An Nead.
- (ii) The premises offer a bespoke/high end guest experience.
- (iii) The premises have been running for many years under the current owners with no issues. This move provides flexibility to the business model and enables the owners to provide permanent all year round employment.
- (iv) A representation has been received from Environmental Health in relation to restricting the outdoor drinking area to 22:00 hours, unless a special occasion is occurring. Any condition requires to be clear, not open to ambiguity and related to the licensing objectives. In this case, preventing public nuisance. It is the LSO's opinion that the premises is sufficiently removed from residential properties with a minimal threat of noise and a 23:00 closing time is suitable for the outdoor drinking area.

- (v) The application complies with the licensing objectives.
- (vi) The application is within HLB policy.
- (vii) No objections have been received for this application.
- (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**

There are no existing local conditions but the following local condition is now recommended:

- m After 2300 hours alcoholic or non-alcoholic drinks shall not to 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/0151  
Date: 9 March 2023  
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