

The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	7.1
Report No	HLB/044/23

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

The Hungry Gull, Staffin Community Hall, Staffin, Isle of Skye, IV51 9JS

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 The Hungry Gull, Staffin Community Hall, Staffin, Isle of Skye, IV51 9JS.

1.0 Description of premises

1.1 The Hungry Gull is part of the Staffin Community Hall in the village of Staffin, Isle of Skye. The premises consist of a café with takeaway facilities and an outdoor seating area.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 2400 hours

The applicant seeks the following **off sales** hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hours

3.0 Background

3.1 On 2 March 2023 the Licensing Board received an application for the grant of a premises licence from The Hungry Gull 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 8 March 2023 until 29 March 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 have requested that a condition be put on the licence that no outdoor drinking shall occur past 2200 hours.
- 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:

[Highland Licensing Board - 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 premises to be licensed are the “café” part and small outside seating area of the Staffin Community Hall which sits along the A855 in the centre of the village of Staffin.
- (ii) All aspects of the application seem to be within HLB policy.
- (iii) The application is consistent with the licensing objectives.
- (iv) I conducted a site visit to the premises prior to the application being submitted.
- (v) The premises were previously licensed and the licence surrendered by the previous tenant some time ago. I am not aware of any issues.
- (vi) This is a food led operation which traded successfully last year without a licence.
- (vii) No objections have been received in respect of this application.
- (viii) Environmental Health have requested a condition that no outdoor drinking is to occur after 2200 hours. Myself and the applicant are in agreement with this request.
- (ix) 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

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/2048
Date: 17 April 2023
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