

## The Highland Licensing Board

Meeting – 20 June 2023

<b>Agenda Item</b>	<b>9.1</b>
<b>Report No</b>	<b>HLB/064/23</b>

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

Roskhill House, Roskhill, Nr Dunvegan, Isle of Skye, IV55 8ZD

### 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 Roskhill House, Roskhill, Nr Dunvegan, Isle of Skye, IV55 8ZD

#### 1.0 Description of premises

1.1 Roskhill House is situated in a rural location off the A863 road It is a detached five-bedroom guesthouse catering for residents only.

#### 2.0 Operating hours

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

**On sales:**

Monday to Sunday: 1200 hours to 2400 hours

#### 3.0 Background

3.1 On 13 April 2023 the Licensing Board received an application for the grant of a premises licence from Roskhill 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 24 April 2023 until 15 May 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.
- 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](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) Roskhill House trades as a 5 bedroom B&B guest house and is situated in the quiet location of Roskhill off the main road (A863) near Dunvegan on the Isle of Skye.
- (ii) It is of traditional construction with block/stone/slanted/tiled roof.
- (iii) The application is for on sales only and the premises is only open to residents.
- (iv) The premises have been licensed in the past and ran for many years with no issues.
- (v) The current owners wish to reinstate this offering for their guests.
- (vi) The application complies with the licensing objectives.
- (vii) The application has not received any objections or representations from the consulting period.
- (viii) I have spoken to the applicant on a number of occasions and have no concerns.
- (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**

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/2055  
Date: 17 May 2023  
Author: Carol Nicolson

## The Highland Licensing Board

Meeting – 20 June 2023

<b>Agenda Item</b>	<b>9.2</b>
<b>Report No</b>	<b>HLB/065/23</b>

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

Meikle Ferry Station, Meikle Ferry, Tain

#### 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 Meikle Ferry Station, Meikle Ferry, Tain.

#### 1.0 Description of premises

1.1 The premises is a detached café/restaurant providing table service and will be open for liquor sales to non-dining visitors both indoor and outdoor. The premises will also be used for small functions. It also includes a small gift shop providing alcohol sales primarily to the tourist trade. Off-sales will also be available from the restaurant bar stock.

#### 2.0 Operating hours

2.1 The applicant seeks the following hours:

##### On sales:

Monday to Thursday: 1100 hrs to 2300 hrs  
Friday and Saturday: 1100 hrs to 2400 hrs  
Sunday: 1200 hrs to 2300 hrs

##### Off sales:

Monday to Saturday: 1100 hrs to 2200 hrs  
Sunday: 1200 hrs to 2200 hrs

#### 3.0 Background

3.1 On 1 May 2023 the Licensing Board received an application for the grant of a premises licence from William and Linda Cowie t/a Meikle Ferry Station.

3.2 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.

- 3.3 The application was publicised during the period from 5 to 26 May 2023 and confirmation that the site notice was displayed has been received.
- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process no timeous objections or representations have been received.
- 3.7 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](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.
- 4.2 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.

4.3 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.

4.4 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:-

- a) The property known as Meikle Ferry Station is a detached property set in its own grounds at Meikle Ferry by Tain, Ross-shire
- b) The application is to allow for the grant of a Premises Licence to allow for the On and Off sale of alcohol to patrons of the premises, the premises are mainly food led although there is a bar counter within the premises.
- c) The core hours applied for are within the policy of the Highland Licensing Board.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- f) The layout plan submitted complies with the required specifications.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of public consultation, no objections were received.
- i) 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 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.
- o. The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions 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/CSR/2059  
Date: 6 June 2023  
Author: G Sutherland



## The Highland Licensing Board

Meeting – 20 June 2023

<b>Agenda Item</b>	<b>9.3</b>
<b>Report No</b>	<b>HLB/066/23</b>

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

The Isle of Eigg Brewery, The Isle of Eigg, PH42 4RL

#### 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 Isle of Eigg Brewery, The Isle of Eigg, PH42 4RL.

#### 1.0 Description of premises

1.1 The Isle of Eigg Brewery consists of a commercial shed located in the middle of the Isle of Eigg on a former borrowpit site, running parallel to the island's only road.

The brewery's main purpose is for the production of craft beer. Conterminous with the brewery is an ancillary tap room, with an inside area of 10 square metres with space immediately outside the brewery for outdoor seating which will form part of the licensed premises.

The tap room and outside area will primarily to be used for off-sales, tours and tastings with a secondary occasional option for small events, particularly during the summer season. At the end of a brewery tour there will be the opportunity to offer beer for purchase for consumption on-site from the bar counter as well as off-sales from the display area.

The premises will have a maximum occupancy of 20 persons.

#### 2.0 Operating hours

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

##### On sales:

Monday to Thursday & Sunday: 1200 hours to 2200 hours  
Friday & Saturday: 1200 hours to 2300 hours

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

##### Off sales:

Monday to Sunday: 1000 hrs to 2200 hours

### **3.0 Background**

- 3.1 On 20 March 2023 the Licensing Board received an application for the grant of a premises licence from the Isle of Eigg Brewery Limited, a Community Benefit Society.

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 12 April until 3 May 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.

Building Standards confirmed that they had no objections to the application based on the proposed occupancy of 20 persons, however, should the applicant wish to increase capacity in the future Building Standards would require to review this, in particular to ensure provision of sufficient sanitary accommodation.

- 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:

[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:-

- The premises are of a new build for the sole purpose of producing beer, which I would consider a micro-brewery.
- There is also an outside seating area included in this application.
- The application is consistent with the Highland Licensing Board policy.
- The application is consistent with the five licensing objectives.
- The application is for on and off sales.
- The brewery is another example of how small fragile communities are looking at ways to secure their future survival and viability.
- No objections have been received in connection with this application.

- 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/2054

Date: 4 May 2023

Author: Julie Traynor