

## The Highland Licensing Board

Meeting – 5 September 2023

Agenda Item	7.1
Report No	HLB/096/23

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

**Waterside Seafood Restaurant, 4 Railway Buildings, Kyle of Lochalsh, IV40 8AQ**

**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 Waterside Seafood Restaurant, 4 Railway Buildings, Kyle of Lochalsh, IV40 8AQ

### 1.0 Description of premises

1.1 The Waterside Seafood Restaurant is situated in the middle section of the railway station building next to the harbour.

### 2.0 Operating hours

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

**On sales:**

Monday to Saturday: 1100 hours to 2300 hrs

Sunday: 1100 hrs to 1430 hrs and 1830 hrs to 2300 hrs

### 3.0 Background

3.1 On 4 July 2023 the Licensing Board received an application for the grant of a premises licence from Janette MacRae.

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 13 July 2023 until 3 August 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:

[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 are situated in the middle section of the railway buildings at Kyle of Lochalsh train station for the purpose of supplying quality food/dining experience in a licensed environment.
- (ii) The application is for on sales only and the business is food led.
- (iii) The premises were licensed previously by the same applicant, the licence was surrendered as the applicant moved on to a new business venture.
- (iv) The premises operated with no issues over a number of years.
- (v) The application is within HLB policy.
- (vi) The application complies with the licensing objectives.
- (vii) No objections or representations have been received in connection with the 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**

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/2074  
Date: 9 August 2023  
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