

The Highland Licensing Board

Meeting – 8 October 2024

Agenda Item	9.2
Report No	HLB/100/24

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

Carters Rest Guesthouse, 8/9 Upper Milovaig, Glendale, Isle of Skye, IV55 8WY

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Jonathan W Parkin, Carters Rest, 8/9 Upper Milovaig, Glendale, Isle of Skye, IV55 8WY.

1.0 Description of premises

1.1 The premises is a three bedroom guesthouse situated in the village of Glendale and is currently licensed for residents only.

2.0 Summary of variation application

2.1 Variation sought

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

1. Amend premises description to include reference to non residents;
2. Increase on sales capacity from 10 to 12;
3. Allow non residents access to the premises for the purposes of on sales as ancillary to a meal;
4. Children and Young Persons Policy - amend wording at 6(c) to "All ages"

3.0 Background

3.1 On 16 August 2024 the Licensing Board received an application for a major variation of a premises licence from Jonathan W Parkin.

3.2 The application was publicised during the period 19 August 2024 until 9 September 2024 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:

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) Carters Rest is of brick under tile construction and is a three bedroom guest house.
- (ii) The application complies with the licensing objectives.
- (iii) The application is within HLB policy.
- (iv) The variation requested is to allow the business to offer meals to non residents with alcohol being ancillary to the meal. This has now been reflected in the amended premises description as per the application form. An increase in capacity by 2 people is also requested (10 increase to 12).
- (v) Primarily the reason for the application is over the “leaner” winter months to support the business with a bit more flexibility and indeed offer a local service to people who otherwise may have to travel a considerable distance to get a meal.
- (vi) No objections or representations have been received in respect of the application.
- (vii) I have no objections to the application.
- (viii) No extra conditions are considered necessary in respect of this application

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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 and it is not considered necessary to attach any.

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/2103
Date: 16 September 2024
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