

The Highland Licensing Board

Meeting – 8 December 2015

Agenda Item	7.2
Report No	HLB/122/15

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

Mingary Castle, Kilchoan, Argyll, PH36 4LH

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a premises licence in respect of Mingary Castle, Kilchoan, PH36 4LH.

1.0 Description of Premises

1.1 Mingary Castle is a detached 13th century castle situated in its own grounds on the shores of the Sound of Mull within a rural location, approximately 2km south east of the village of Kilchoan.

The premises consist of three ranges; namely North, East and West with five bedrooms located throughout the premises. An outdoor drinking area is located within the internal courtyard.

The Ranges consist of the following:

North Range :

Ground Floor : Kitchen areas, reception area, dining room and WC
First Floor: Lounge and office
Second Floor: Master bedroom suite and second bedroom suite
Third Floor: Third and Fourth bedrooms, bathroom

West Range:

Ground Floor: Lounge and kitchen area
First Floor: Fifth bedroom suite

East Range:

Ground Floor: Kitchen/utility areas and storage areas

There is no bar area and alcohol will served at the table and to guests in the lounge from both the kitchen/store in the west range and the store in the dining room.

2.0 Operating Hours

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

On sales:

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 28 October 2015 the Licensing Board received an application for the provisional grant of a premises licence from Donald Houston.

The application was accompanied by the necessary Section 50 Certification in terms of Planning. (Section 50 Certificates in respect of Building Standards and Food Hygiene are not required for a provisional licence application).

3.2 The application was publicised during the period 4 November until 25 November 2015 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:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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 grant of the application would be inconsistent with one or more of the licensing objectives;
3. 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
4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.

4.2 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 core hours applied for are within the policy of the Highland Licensing Board.
- (ii) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (iii) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (iv) The layout plans submitted comply with the required specifications.
- (v) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives and the premises would appear to be suitable for use for the sale of alcohol in accordance with the proposed application.

6.0 HLB Local Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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.

Reference: HC/RSL/1752

Date: 26 November 2015

Author: AHM/JT

Background Papers: The Licensing (Scotland) Act 2005/Application Form