

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.12
Report No	HLB/074/18

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

Red Roof Café Gallery, Holmisdale, Glendale, Isle of Skye, IV55 8WS

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Gareth and Iona Craft t/a Red Roof Café Gallery.

1.0 Description of premises

1.1 The premises operate as a café and gallery within a renovated small blackhouse located at Holmisdale, Glendale, Isle of Skye.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Delete existing description and substitute new description changing the principal use to a restaurant;
- (2) Add off sales hours 1200 hours to 2200 hours daily;
- (3) Remove seasonal variation to permit year round trading;
- (4) To the list of activities and services during and outwith core hours add: films, indoor/outdoor sports and to list of activities outwith core hours add live performances;
- (5) To other activities add charity and fundraising events, food and wine tastings, wine club meetings, and home delivery of wine. From time to time a temporary structure may be erected in the outdoor area in support of activities and services on the premises;
- (6) Amend terms of entry for children and young persons so as to permit unaccompanied children aged 12-15 years to be on the premises until 1700 hours;

- (7) Extend boundary of licensed outdoor drinking area;
- (8) Add off sales display capacity of 3.6m²;
- (9) Add new premises manager.

3.0 Background

- 3.1 On 16 May 2018 the Licensing Board received an application for a major variation of a premises licence from Gareth and Iona Craft t/a Red Roof Gallery.
- 3.2 The application was publicised during the period 18 May 2018 until 8 June 2018 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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://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) The premises currently operate as a café and gallery with licensed hours for on-sales of 1200 hours to 2400 hours daily. There is no bar counter on the premises;
- (ii) Following a review of the business the applicants now seeks to vary the licence so as to operate predominantly as a restaurant and to offer an enhanced range of activities during and outwith core hours. Additional services include operating a wine club on the premises and offering home delivery of wine to members;
- (iii) The applicants also wishes to display alcohol for off sales and the proposed capacity of 3.6m² does not conflict with Board policy on overprovision in respect of off sales premises;
- (iv) It is noted that the small extension to the external licensed area is to allow the sale of alcohol within a marquee or other temporary structure erected within the area for functions and other events. There are no residential properties nearby and it is not considered necessary to impose any local conditions restricting the use of the external area;
- (v) In respect of home deliveries of wine club products the applicants have been provided with guidance on the legal requirements and best practice but it is not considered necessary to impose any condition to regulate that aspect of the operation;

- (vi) Following from the change to the principal style of business the applicants wish to change the name of the premises to Red Roof Skye but omitted to make mention of that in the application. They request that the Board allow that change to be made;
- (vii) The variations sought are within Board policy and are reasonable and appropriate for this type of premises. I am satisfied that the applicants have given due consideration to the licensing objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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

- (a) determine the above application; and
- (b) allow the amendment of the application as per item 5.1(vi) of the LSO report to change the premises name to Red Roof Skye .

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/1753
Date: 11 June 2018
Author: Carol Nicolson