

The Highland Licensing Board

Meeting – 23 June 2020

Agenda Item	7.1
Report No	HLB/037/20

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

Blas Inn, Main Street, Dunvegan, Isle of Skye, IV55 8WA

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 Blas Inn, Main Street, Dunvegan, Isle of Skye, IV55 8WA.

1.0 Description of premises

1.1 The Blas Inn is situated in the coastal village of Dunvegan and consists of a detached building. The premises is primarily a café and it is hoped to be able to serve drinks with meals and provide early evening drinks also. There will be no bar counter. There are two letting bedrooms and an outdoor drinking area.

2.0 Operating hours

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

On sales:

Monday to Thursday: 1100 hours to 2400 hours
Friday and Saturday: 1100 hours to 0100 hours
Sunday: 1100 hours to 2300 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 January 2020 the Licensing Board received an application for the grant of a premises licence from Joan Margaret MacLeod.

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 5 February 2020 until 26 February 2020 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, one timeous notice of objection was received on 26 February 2020.
- 3.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, both the applicant and the objector have been invited to submit a written representation to state their case.
- 3.7 The objector, having received the invite to provide any further submission prior to determination of the application, confirmed on 15 June 2020 that they requested that their previously submitted objection be withdrawn.

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, known now as Blas Inn, is located in the middle of the coastal village of Dunvegan on the Isle of Skye.
- (ii) This is a small detached building which currently offers café and food provision as well as two letting rooms behind the main part of the building.
- (iii) The premises are primarily a café but are now wishing to offer the provision of alcoholic drinks, mainly with meals but also as a standalone refreshment.
- (iv) The premises will have no bar counter and drinks will be served as table service only, there will therefore be no “upright drinking”.
- (v) There is provision for 12 covers seated at tables inside the building and a maximum of 8 covers at benches outside in the outdoor drinking area to the front of the premises.
- (vi) The outdoor drinking area will be clearly defined and fenced off from the main street.
- (vii) The applicant also wishes to offer off sales of primarily craft spirits, wines and beers. There will be an off sales area of 0.5 m² capacity which is well within the overprovision policy of the Highland Licensing Board.
- (viii) The operating plan details as shown are in the opinion of the LSO compliant with the licensing objectives.

- (ix) Following the public consultation phase one timeous letter of objection has been received by the Licensing Board.
- (x) I visited the objector on the 4th March 2020 and fully discussed the issues raised.
- (xi) Local conditions have also been included to clearly define responsibilities and standards expected.
- (xii) The LSO has visited the premises personally and finds them entirely suitable for the uses described in the operating plan.
- (xiii) I have no cause to object 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 conditions from the schedule of local conditions:

- k. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.
- l. The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.
- m. After 2100 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

- n(ii). The playing of live or recorded music in any outdoor drinking area shall be restricted to between the hours of 1000 hours and 2100 hours.
- 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.

7.3 Special conditions

No special conditions are considered necessary.

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/RSL/1931
Date: 10 March 2020
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