

The Highland Licensing Board

Meeting – 16 February 2021

Agenda Item	6.1
Report No	HLB/013/21

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

Taransay House, Viewfield Road, Portree, Isle of Skye, IV51 9ES

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 Taransay House, Viewfield Road, Portree, Isle of Skye, IV51 9ES.

1.0 Description of premises

1.1 The premises is a detached property situated in the town of Portree and consists of accommodation on two floors comprising four en-suite guest bedrooms, dining area and two lounge areas. There is an outdoor drinking area and on-site parking for guests.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1200 hours to 2300 hours

3.0 Background

3.1 On 18 December 2020 the Licensing Board received an application for the grant of a premises licence from Alison Morrison per South Forrest, Solicitors.

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 30 December 2020 until 21 January 2021 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, the following timeous notice of representation has been received and is appended:

1. Letter dated 5 January 2021 from Police Scotland (**Appendix 1**)

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, the applicant has been invited to attend a virtual hearing and/or submit a written representation to state their case.

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 property known as Taransay House is a detached property set in its own grounds in Portree, Isle of Skye.
- (ii) The premises are a newly constructed purpose built building offering four en suite bedrooms, two resident lounges a restaurant as well as two outdoor hospitality areas.
- (iii) The application is to allow for the provision of alcohol to residents and their bona fide guests only.
- (iv) The core hours applied for are within the policy of the Highland Licensing Board.
- (v) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (vi) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (vii) The layout plans submitted comply with the required specifications.
- (viii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (ix) During the period of public consultation, no objections were received.
- (x) There are ongoing discussions with Environmental Health in relation to some outstanding food provision issues which do not affect the licensing aspects of this application.

(xi) There is also a representation from Police Scotland in relation to concerns around the terminal hour for use of the outdoor drinking areas. This has been addressed with the inclusion of a local condition restricting the use of the outdoor areas for the consumption of alcohol to 2200 hours.

(xii) I have no objection 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 condition from the schedule of local conditions:

M. After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking 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 condition 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/1955

Date: 28 January 2021

Author: Carol Nicolson

Appendix 1: Letter dated 5 January 2021 from Police Scotland

Appendix 1

05/01/2021

Your Ref:

Our Ref: 536093

Clerk to the Highland Board
Town House
High Street
Inverness
IV1 1JJ



**POLICE
SCOTLAND**

Keeping people safe

Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

Dear Madam,

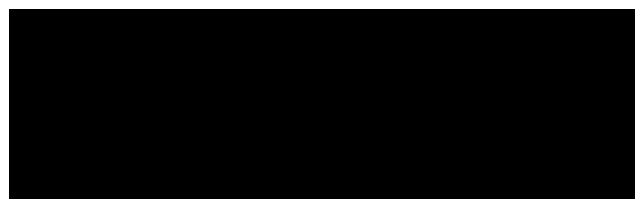
**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
TARANSAY HOUSE, VIEWFIELD ROAD, PORTREE, ISLE OF SKYE,
IV51 9ES
ALISON MORRISON**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

The applicant is seeking outdoor drinking within core hours. The applicant has stated that she does not intend to facilitate outdoor drinking until 2300 hours, however, I would respectfully request that the Licensing Board consider restricting outdoor drinking until 2200 hours.

Yours faithfully,



Chief Superintendent Conrad Trickett
Divisional Commander

For enquiries please contact the Licensing Department on 01463 720817