

The Highland Licensing Board

Meeting – 3 August 2021

Agenda Item	6.2
Report No	HLB/065/21

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

Monkstadt House, Linicro, Portree, Isle of Skye, IV51 9YN

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 Monkstadt House, Linicro, Portree, Isle of Skye, IV51 9YN.

1.0 Description of premises

1.1 The Monkstadt House is located rurally in the north west of Skye and consists of a luxury 5-bedroom lodge over 3 floors with 7 luxury self-catering units in the grounds. The restaurant will sit a maximum of 15 persons at one sitting and will be open to residents and non-residents. There are outdoor areas within the licensed footprint.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1200 hours to 2300 hours

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

Off sales:

Monday to Sunday: 1200 hours to 2200 hours

3.0 Background

3.1 On 13 May 2021 the Licensing Board received an application for the grant of a premises licence from Rural Escapes (Highland) Ltd.

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 25 May 2021 until 15 June 2021 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 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 Monkstadt House is a detached property set in its own grounds in a secluded part of the north west of Isle of Skye.
- (ii) Within the grounds there are also seven luxury self-catering properties which are not included within the licensed footprint.
- (iii) The application is to allow for the provision of alcohol by both on and off sales to both residents and non-residents. There is a small restaurant and lounge area for dining and provision of alcohol as well as outdoor areas where alcohol may be consumed.
- (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 plan submitted complies 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) 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 2300 hours alcoholic or non-alcoholic drinks shall not be consumed in any outdoor 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/1978
Date: 19 July 2021
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