

## The Highland Licensing Board

Meeting – 18 January 2022

Agenda Item	<b>6.2</b>
Report No	<b>HLB/004/22</b>

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

**Galmisdale Bay Café and Bar (formerly t/a Eigg Tearoom), An Laimhrig, The Pier, Isle of Eigg, PH42 4RL**

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Stuart Fergusson, Crows Nest, Isle of Eigg, PH42 4RL.

#### 1.0 Description of premises

1.1 Galmisdale Bay Cafe and Bar (formerly Eigg Tearoom) is situated at the top of the only two piers on the Isle of Eigg. It is approximately 10 metres from the sea and is located within the same building as Eigg Shop and Craft Shop and the public toilets.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

- (1) Increase footprint of premises to include new bar
- (2) Reconfiguration of internal layout of premises
- (3) Change name of premises from Eigg Tearoom to Galmisdale Bay Café and Bar
- (4) Increase capacity from 45 persons to 60 persons
- (5) Revise children and young persons policy to permit access to café at all times by children and young persons. Young persons only will be permitted access to the bar area whilst accompanied by an adult.

#### 3.0 Background

3.1 On 17 November 2021 the Licensing Board received an application for a major variation of a premises licence from Mr Stuart Fergusson.

- 3.2 The application was publicised during the period 25 November 2021 until 16 December 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 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 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 Licensing Standards Officer has provided the following comments:-

- The premises in question have held an alcohol premises licence since January, 2010. The operating history has been entirely incident free.
- The premises formerly operated as a tearoom with outside drinking area however revised plans have been submitted whereby the tearoom has been enlarged and a separate bar area has been developed, ostensibly to allow more functions to be held on the premises. Revised layout plans have been submitted and an uplift in capacity has been duly recorded at section 7 of the operating plan.
- With the addition of the bar area, the children and young persons policy has been amended to allow young persons to be present in the bar provided they are accompanied by an adult. This is reasonable and justifiable in the opinion of the Licensing Standards Officer. Both children and young persons are allowed in the tearoom area.
- The application in the view of the Licensing Standards Officer meets the standards of the 5 licensing objectives.
- No objections or representations have been received by the Licensing Board following the public consultation phase of the 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**

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.

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/1546  
Date: 17 December 2021  
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