

The Highland Licensing Board

Meeting – 24 October 2023

Agenda Item	8.1
Report No	HLB/114/23

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

Hazelbank, 5 Upper Colbost, Dunvegan, Isle of Skye, IV55 8ZT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Hazelbank, 5 Upper Colbost, Dunvegan, Isle of Skye, IV55 8ZT.

1.0 Description of premises

1.1 The Hazelbank is a detached bed and breakfast with annex above the garage and is located in a scenic semi-rural area of Colbost, Isle of Skye. The sale of alcohol will be to residents only.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 2400 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 7 August 2023 the Licensing Board received an application for the provisional grant of a premises licence from MC Wellservices Ltd per Gilson Gray LLP.

The application was accompanied by the necessary section 50 certification in terms of Planning together with a Disabled Access Statement.

3.2 The application was publicised during the period 21 August 2023 until 11 September 2023 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, 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:

[Highland Licensing Board - 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 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) Hazelbank is a detached bed and breakfast with annex above garage located in a scenic rural area of Skye.
- (ii) The application complies with the licensing objectives.
- (iii) The application is for "residents only".
- (iv) The application is for on and off sales. I can understand the reason for off sales being sought as the owners would be in a position to offer bespoke local products to guests who may not be able to have access to them otherwise (time constraint because of short visit for visiting visitor attractions/shops).
- (v) More and more applications like this are coming before HLB and whilst they may not be of the more conventional type, it is my view that it is an indication to how things are evolving in the alcohol licensing sector.
- (vi) There have been no objections or representations made in respect of this application.
- (vii) I feel no local or special conditions need to be applied to this application.
- (viii) I have no objections 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

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/2081
Date: 9 October 2023
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