

The Highland Licensing Board

Meeting – 25 June 2024

Agenda Item	8.2
Report No	HLB/59/24

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

Tighard Guest House, Isle of Canna, PH44 4RS

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 Tighard Guest House, Isle of Canna, PH44 4RS.

1.0 Description of premises

1.1 Tighard Guest House is a detached Guest House offering bed and breakfast accommodation. The maximum number which the premises can accommodate is six guests. The premises is situated in an elevated position on the remote west coast Island of Canna.

The accommodation comprises of three guest bedrooms which are situated on the upper floor of the property. The applicant is seeking to licence the dining room only within the Guest House. In addition, guests also have access to an outdoor seating area in the garden at the front of the property. This outdoor seating area is also to be included within the licensed area.

Alcohol will only be available for guests residing on the premises and is for on-sales only.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1200 hours to 0000 hours

3.0 Background

3.1 On 12 February 2024 the Licensing Board received an application for the grant of a premises licence from Aileen Colquhoun.

- 3.2 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.
- 3.3 The application was publicised during the period 22 May 2024 until 12 June 2024 and confirmation that the site notice was displayed has been received.
- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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:-

- Tighard Guest House is situated on the remote west coast island of Canna and is a stand-alone property of traditional build.
- There are 3 bedrooms with a maximum capacity of 6 persons and the premises wish to offer alcohol with meals.
- The application is for on-sales and for residents only, the licensed area of the premises is the dining room which is delineated in red on the layout plan. There is also an outdoor seating area located at the entrance to the property.
- The application is within Highland Licensing Board policy.
- The application is consistent with the licensing objectives.
- No objections or representations have been received in respect of this application.
- I understand the premises were licensed in the past and there were no adverse reports.
- In such a remote rural setting I think the application is appropriate as an extra service to their business.
- 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 2023-28
- (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.

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/2117

Date: 13 June 2024

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