

The Highland Licensing Board

Meeting – 6 August 2024

Agenda Item	7.2
Report No	HLB/82/24

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

Columba 1400, Staffin, Isle of Skye, IV51 9JY

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Columba 1400, Staffin, Isle of Skye, IV51 9JY.

1.0 Description of premises

1.1 The premises is a detached purpose built leadership centre situated in the rural settlement of Staffin comprising 6 bedrooms/dorms, study and seminar rooms and is built around the restaurant/great hall which is a public space open to the public for meals and functions though ancillary to the main operation.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 2300 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Amend on sales hours to 1200 hours to 0100 hrs Monday to Saturday;
- (2) Remove specific condition – “This licence authorises the premises Licence Holder to sell alcohol in the said premises to persons taking table meals there for consumption by such a person as an ancillary to his or her meal” - removal of this condition will permit on sales without restrictions to give more flexibility from an operational point (primarily for weddings/events/mulled wine at Christmas etc. without the constraints of alcohol being ancillary to a meal);

- (3) Remove seasonal variation;
- (4) Substitution of premises manager.

4.0 Background

- 4.1 On 19 June 2024 the Licensing Board received an application for a major variation of a premises licence from Columba 1400.
- 4.2 The application was publicised during the period 24 June 2024 until 15 July 2024 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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:

www.highland.gov.uk/hlb_hearings

5.0 Legislation

- 5.1 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.

5.2 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.

5.3 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.

5.4 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) The premises are a detached purpose built leadership centre situated in the rural settlement of Staffin on the Trotternish peninsula, Isle of Skye. The building comprises 6 bedrooms/dorms, study and seminar rooms and is built around the restaurant/great hall which is a public space open to the public for meals and functions though ancillary to their main operation.
- (ii) The application is within HLB policy.
- (iii) The application is consistent with the licensing objectives.
- (iv) The main aspect of the variation gives the business a bit more flexibility regarding on sales when they have an event/function taking place and the removal of the current specific condition will allow this. The management do not wish to encourage on sales in the traditional sense.
- (v) No objections or representations have been received in respect of the application.
- (vi) The premises have been operating for quite a number of years with no adverse reports.
- (vii) I have no objections to this application.
- (viii) No local conditions are considered necessary in respect of this application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

There are no existing local conditions and it is not considered necessary to attach any.

8.3 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/0815
Date: 18 July 2024
Author: Carol Nicolson