

## The Highland Licensing Board

Meeting – 13 May 2025

|             |           |
|-------------|-----------|
| Agenda Item | 7.3       |
| Report No   | HLB/39/25 |

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

**Deli Gasta, The Old Mill, Harrapool, Broadford, Isle of Skye, IV49 9AQ**

#### 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 Deli Gasta, The Old Mill, Harrapool, Broadford, Isle of Skye, IV49 9AQ.

#### 1.0 Description of premises

1.1 The Deli Gasta is situated in the village of Broadford and consists of a café/coffee house and gift shop with an outdoor seating area.

#### 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

(These are the original requested hours which were amended and details of the amendments are in the LSO Report (5.1(vi)).

#### 3.0 Background

3.1 On 24 March 2025 the Licensing Board received an application for the provisional grant of a premises licence from Deli Gasta Ltd.

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

- 3.3 The application was publicised during the period 26 March 2025 to 16 April 2025 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.

An objection had been lodged by Planning but this was subsequently withdrawn. This matter is addressed in the Licensing Standards Officer's comments (5.1(vi)).

- 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:-

- (i) Deli Gasta is an old mill building in Broadford, south Skye, of traditional construction located just off the A87 and residential housing is nearby. It has been trading as a café/coffee house/gift shop for a number of years and has a small outside area for customer seating.
- (ii) There is no bar on site and will be operated by table service. The application is for on and off sales. Off sales will come from on sales stock.
- (iii) The application is within HLB policy.
- (iv) The application is consistent with the licensing objectives.
- (v) The premises have been operating with occasional licences for the last couple of years with no adverse effects.
- (vi) An objection raised by Planning has now been withdrawn after discussion and agreement with the applicant to terminate the operating hours at 2100 hours in keeping with times agreed with them on obtaining their original planning consent for change of use to current status. (Some management changes led to an oversight with the application or it would only have been to 2100 hours anyway).
- (vii) Environmental Health are in ongoing dialogue with the applicant at the moment regarding a concern they have, although it does not impact on the actual provisional application. Potentially any issues will have been addressed by the Board meeting and a verbal update will be provided on the day, if available.
- (viii) I have no objections to this application.

(ix) In view of the above from Planning, the hours of alcohol licensing operation are now to be:-

- On Sales: 1100 hours to 2100 hours Monday to Sunday
- Off Sales: 1000 hours to 2100 hours Monday to Sunday

(x) This in turn will require the below to be amended as well:-.

Children and Young Persons policy, as termination hours are before the statements:-

- Remove wording 6 (b) until 2200 hours must be accompanied by adult after 2200 hours.
- Remove wording 6 (d) until 2200 hours unless attending private function or having a meal.

(xi) I feel no additional conditions need to be applied 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.

### **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/2144  
Date: 29 April 2025  
Author: Carol Nicolson