

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	9.13
Report No	HLB/096/15

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

Royal Hotel, Bank Street, Portree, Isle of Skye, IV51 9BU

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by MacLeod Hotels Ltd, 71 Castle Heather Road, Inverness, IV2 4EA.

1.0 Description of Premises

1.1 The premises are a two storey traditional built hotel overlooking Portree Harbour. The premises comprise of 29 letting bedrooms, restaurant, dining Room, McNab's Bar, residents lounge, reception, offices, kitchen and storage cupboards. There is also a laundry and cellar store area to the rear. There is an external smoking/drinking area at the rear of the premises near Bayfield Road.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Friday: 1100 hours to 0100 hours

Saturday: 1100 hours to 0030 hours

Sunday: 1200 hours to 2330 hours

Off sales:

Monday to Saturday: 1100 hours to 2200 hours

Sunday: 1200 hours to 2200 hours

3.0 Summary of Variation Application

3.1 Variation Sought

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

- (1) Amend premises description to reflect changes;
- (2) Increase On Sales hours on Saturday to 1100 hrs to 0100 hrs (currently 1100 hrs to 0030 hrs);
- (3) Increase On Sales hours on Sunday to 1100 hrs to 0100 hrs (currently 1200 hrs to 2330 hrs);
- (4) Increase Off Sales hours on Sunday to 1100 hrs to 2200 hrs (currently 1200 hrs to 2200 hrs);
- (5) Music, live performances and dance facilities may be permitted prior to core hours to non-residents and after core hours to residents;
- (6) Inclusion of indoor/outdoor sports and gaming within activities;
- (7) Update Children's Policy;
- (8) Increase capacity of premises from 390 to 468;
- (9) Amendment to layout plan – (i) Ground Floor – change existing toilets to 1 bedroom; (ii) First Floor – replace gymnasium with restaurant and 3 bedrooms and existing staff accommodation to 4 bedrooms.

4.0 Background

- 4.1 On 2 June 2015 the Licensing Board received an application for a major variation of a premises licence from MacLeod Hotels Ltd.
- 4.2 The application was publicised during the period 6 July 2015 until 27 July 2015 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:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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. having regard to the number and capacity of licensed premises of the same or similar description as the subject premises (taking account of the proposed variation) in the locality in which the subject premises are situated, 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 that description in the locality.
- 5.2 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.

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 increase in core hours applied for is within the policy hours of the Highland Licensing Board;
- (ii) The additional activities sought are reasonable and appropriate for the type of operation;

- (iii) The premises are considered to be a suitable environment for children and young persons and the proposed amendment to the children's policy is in line with the Board's policy;
- (iv) The layout plan submitted with the proposed changes complies with the required specifications;
- (v) The premises are considered suitable for use for the sale of alcohol in accordance with the proposed variation;
- (vi) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

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/0772

Date: 28 July 2015

Author: AHM/cn

Background Papers: The Licensing (Scotland) Act 2005/Application Form.