

## The Highland Licensing Board

Meeting – 6 August 2019

Agenda Item	8.6
Report No	HLB/076/19

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

Cuillin Hills Hotel, Portree, Isle of Skye, IV51 9QU

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by Wickman Hotels Limited, Peppercombe Lodge, Horns Cross, Bideford, North Devon, EX39 5DH.

#### 1.0 Description of premises

1.1 The premises comprises of 34 letting bedrooms, residents' lounge, fine dining restaurant, bar lounge and Cuillin Brasserie.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

- (1) Layout plan – (i) increase number of letting bedrooms from 34-38 by linking main building and annex together; (ii) reconfigure car park area to rear of premises to create an ornamental garden area (Courtyard Gardens). No change to main carpark or other garden areas;
- (2) Amend premises description to reflect additional bedrooms and inclusion of the ornamental garden.

#### 3.0 Background

3.1 On 9 May 2019 the Licensing Board received an application for a major variation of a premises licence from Wickman Hotels Limited.

3.2 The application was publicised during the period 14 June 2019 until 5 July 2019 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:

[http://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_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 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.
- 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 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.

4.4 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.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

- (i) The Cuillin Hills Hotel is an established Country House Hotel, which sits in its own extensive grounds of fifteen acres outside Portree on the Isle of Skye.
- (ii) There is no known history to the detriment of the running of these premises.
- (iii) This application is for major variation to the premises which involves:
  - (a) The increase of the number of letting bedrooms from 34 to 38 achieved by linking the main building of the hotel with a previously separate annexe building. This will allow for extra resident capacity, now with total of 80 residents and 200 capacity for hotel as per Operating Plan.
  - (b) The reconfiguration of an existing car park area to the rear of the hotel premises, to create an ornamental “courtyard garden” area which will enhance the outlook from hotel building.
- (iv) The required drawings etc. have been submitted appropriately.
- (v) There would be no adverse effect on the licensing objectives with this variation.

## **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**

Existing local conditions will continue to apply and no additional 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/0775  
Date: 22 July 2019  
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