

The Highland Licensing Board

Meeting – Tuesday 5 November 2013

Agenda Item	11.16
Report No	HLB/141/13

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Uig Hotel, Uig, Isle of Skye, IV51 9YE

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence in respect of Uig Hotel, Uig, Isle of Skye, IV51 9YE.

1.0 Description of Premises

Uig Hotel is a Hotel with 18 letting bedrooms, bar and restaurant and is situated in the village of Uig, Isle of Skye.

1.1 Current Core Operating Hours

The premises currently enjoy the following operating hours:

On Sales:

Monday to Saturday: 1100 to 2400 hours
Sunday: 1230 to 2330 hours

Off Sales:

Monday to Saturday: 1100 to 2200 hours
Sunday: 1230 to 2200 hours

2.0 Summary of Variation Application

2.1 Variation Sought

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

- (1) Extend On Sales and Off Sales hour on Sunday to commence from 1100 instead of 1230 hours.
- (2) Extend terminal On Sales hour from 2400 to 0100 hours on Monday to Saturday inclusive and from 2330 to 0100 hours on Sunday.
- (3) Variation to activities to include conference facilities and dance facilities and indoor/outdoor sports.

- (4) Conference facilities, receptions etc. and club meetings may take place outwith core hours. Bar meals (e.g. breakfast) will be served outwith core hours. Non alcoholic beverages may also be served in the outdoor drinking area outwith core hours.
- (5) Amend Children's Policy to permit children accompanied by an adult to the room with a bar counter until 2200 hours or the termination of their meal, private function or live entertainment and to other parts in the company of an adult at all times. Young persons will be permitted unaccompanied.

3.0 Background

- 3.1 On 24 September 2013 the Licensing Board received an application for a major variation of the Premises Licence from the Licence holder, Anne Elizabeth Harley.
- 3.2 The application was publicised during the period 27 September 2013 and 18 October 2013.
- 3.3 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and the local Community Council.

- 3.4 No objections or representations have been received in respect of the application.

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, if 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 (i) 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 over provision of licensed premises or licensed premises of that description in the locality.

4.2 The Board has only power to either grant the application and make a variation of the conditions to which the licence is subject or, refuse the application.

If the Board refuses 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.

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- i) The hours applied for are within the Board's new policy adopted by the Board on 1 October, 2013.
- ii) All activities referred to within the operating plan are reasonable and appropriate for the type of operation of the premises
- 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) There would not appear to be any matter contained within the application that is inconsistent with the Licensing Objectives.
- v) The premises are considered suitable for use for the sale of alcohol in accordance with the proposed application.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) 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

It is recommended that the following local condition(s) be attached:

- A) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- B) Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- C) Children must not sit or remain at the bar counter at any time.
- H) Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.

Recommendation

The Board is invited to determine the above application and the proposed Local Conditions detailed at 7.2 above.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1309

Date: 21 October 2013

Author: AHM/CN

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