

**The Highland Licensing Board**

**Meeting – 4 February 2014**

Agenda Item	<b>11.13</b>
Report No	<b>HLB/026/14</b>

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

**Duisdale House Hotel, Duisdale, Sleat, Isle of Skye, IV43 8QW**

**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 Duisdale House Hotel, Duisdale, Sleat, Isle of Skye, IV43 8QW.

**1.0 Description of Premises**

Duisdale House Hotel is a 17 bedroom country house hotel in its own grounds with a 56 cover restaurant, chart room bar, lounge and outside decking. The premises are in a rural location and are open all year round.

**1.1 Current Core Operating Hours**

The premises currently enjoy the following operating hours:

**On Sales:**

Monday to Saturday: 1100 to 2300  
Sunday: 1230 to 1430 and 1830 to 2300

**2.0 Summary of Variation Application**

**2.1 Variation Sought**

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

- (1) Increase the On Sales hours on a Sunday to 1100 to 0100 hours (currently 1230 to 1430 and 1830 to 2300 hours);
- (2) Increase the terminal hour on Monday to Saturday to 0100 hours (currently 2300 hours);
- (3) Addition of Off Sale hours - Monday to Sunday - 1000 to 2200 hours;
- (4) Additional activities - live performances and dance facilities;
- (5) Activities outwith core hours - conferences, club and other group meetings, outdoor drinking, musical performances and dancing;
- (6) Additional activities to including charity/fundraising events etc.;
- (7) Increase capacity of premises from 50 to 112 persons.

### **3.0 Background**

- 3.1 On 11 December 2013 the Licensing Board received an application for a major variation of the Premises Licence from the Licence holder, Sonas Hospitality Limited.
- 3.2 The application was publicised during the period 18 December 2013 and 8 January 2014.
- 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:-

- the off sale hours applied for are within the policy hours of the Highland Licensing Board;
- the increase in core hours applied for is within the policy hours of the Highland Licensing Board;
- the additional activities sought are reasonable and appropriate for the type of operation;
- the increase in capacity sought is due to the conservative figure applied for at the initial application;
- the premises are considered suitable for use for the sale of alcohol in accordance with the proposed variation;
- there would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

## 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) 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 not considered necessary to attach any further Local Conditions.

## Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1260

Date: 9 January 2014

Author: AHM/CN

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