

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	11.8
Report No	HLB/100/14

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

Portree Hotel, Somerled Square, Portree, Isle of Skye, IV51 9EH

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 the Portree Hotel, Somerled Square, Portree, Isle of Skye, IV51 9EH.

1.0 Description of Premises

The Portree Hotel is situated in the village of Portree and has 24 letting bedrooms, a public bar, two ground floor bistros, a first floor restaurant and cocktail bar and 2 function suites.

1.1 Current Core Operating Hours

The premises currently enjoy the following operating hours:

On Sales:

Monday to Friday: 1100 to 0100
Saturday: 1100 to 0030
Sunday: 1230 to 2330

Off Sales:

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

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 Saturday and Sunday to 1100 hours to 0100 hours;
- (2) Increase Off Sales hours on Sunday to 1100 hours to 2200 hours.

3.0 Background

3.1 On 27 June 2014 the Licensing Board received an application for a major variation of the Premises Licence from TLT LLP on behalf of the Licence Holder, Punch Partnership Limited.

3.2 The application was publicised during the period 3 July 2014 and 24 July 2014 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's Community 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 increase in core hours applied for is within the policy hours of the Highland Licensing Board.
- 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
- (iv) Schedule of Local Conditions

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 additional Local Conditions to be applied.

7.3 Mandatory Condition – Late Opening Premises

When the premises are operating as Late Opening Premises ie. the Festive Policy, then the following mandatory condition will apply:

1. A person trained to the satisfaction of the Licensing Board in administering First Aid must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
 - (a) the time at which the premises next close; and
 - (b) 0500 hours

7.4 HLB Special Condition

When the premises are operating as Late Opening Premises ie. the Festive Policy, then the following condition will apply:-

1. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours.

Recommendation

The Board is invited to determine the above application and give consideration to:

- (i) Updating the existing Local Conditions as referred to at para. 7.2 of the report;
- (ii) If the Board are minded to grant the application as outlined at para. 2.1, in addition to the Mandatory and Local Conditions, consideration be given to attaching the proposed Mandatory Late Opening Premises Condition referred to at 7.3 of the report and the Special Local Conditions, referred to at para. 7.4 of the report;

or

- (iii) If the Board are 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.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/0774

Date: 28 July 2014

Author: AHM/CN

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