

## The Highland Licensing Board

Meeting – 8 December 2015

Agenda Item	8.2
Report No	HLB/125/15

### 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 by Punch Partnership Limited, per TLT LLP, 140 West George Street, Glasgow, G2 2HG.

#### 1.0 Description of premises

1.1 The premises are an hotel situated in the village of Portree and has 24 letting bedrooms.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

- (1) Amend seasonal variation – remove existing wording and replace to reflect the Board’s Festive Policy.
- (2) Update description of premises.
- (3) Changes to layout plans – (i) Lounge area opened up into one large open plan area with open access to the public bar; (ii) Toilet facilities altered to provide unisex disabled and female toilets and gents relocated to former store room; (iii) Reduced size of restaurant on first floor to provide kitchen facilities; (iv) Bedroom access doors and en-suites reconfigured in some rooms; (v) Staff bathroom relocated to staff area.

#### 3.0 Background

3.1 On 15 October 2015 the Licensing Board received an application for a major variation of a premises licence from Punch Partnership Limited, per TLT LLP, 140 West George Street, Glasgow, G2 2HG.

- 3.2 The application was publicised during the period 27 October 2015 until 17 November 2015 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://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **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. 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.

4.2 The Board 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.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

- (i) The description of the premises has been updated to reflect the proposed variation.
- (ii) The applicant seeks to include within the seasonal variation of the operating plan, permission to take advantage of the Board's policy in relation to the Festive Period. The operator of the premises has a sound operating history and accepts that the relevant mandatory late opening condition, special condition and local condition will apply.
- (iii) The proposed changes to the layout of the premises would appear reasonable and appropriate for the type of premises.
- (iv) The layout plan submitted with the proposed changes complies with the required specifications.
- (v) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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 it is recommended that the following additional local condition(s) be attached:

- Q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

## 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:-

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 if minded to grant the application, to agree the proposed local/special condition(s) detailed at paras 7.2, 7.3 and 7.4 above.

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/0774

Date: 25 November 2015

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