

## The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	10.1
Report No	HLB/036/17

### 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 Ltd.

### 1.0 Description of premises

1.1 The premises is a hotel with 30 letting bedrooms, residents' lounge, fine dining restaurant, bar lounge and Cuillin Brasserie.

### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

#### On sales:

Monday to Thursday: 1100 hours to 2400 hours  
Friday: 1100 hours to 0100 hours  
Saturday: 1100 hours to 0030 hours  
Sunday: 1200 hours to 2300 hours

### 3.0 Summary of variation application

#### 3.1 Variation sought

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

- (1) Delete existing seasonal variation for New Year and substitute with a standard seasonal variation to permit extended hours over the festive period.
- (2) Increase on sales hours on Saturday to Thursday to terminate at 0100 hours the following day and, on a Sunday, commence at 1100 hours.
- (3) Change the layout of the premises to reduce the size of the restaurant and create 4 additional bedrooms and amend the description of the premises to show a total of 34 letting bedrooms.

## **4.0 Background**

- 4.1 On 24 November 2016 the Licensing Board received an application for a major variation of a Premises Licence from Wickman Hotels Ltd.
- 4.2 The application was publicised during the period 16 January 2017 until 6 February 2017 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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)

## **5.0 Legislation**

- 5.1 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.
- 5.2 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.

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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

- (i) As a consequence of demand the applicant seeks to create 4 additional letting bedrooms through a reduction in the size of the restaurant.
- (ii) The opportunity has also been taken to increase licensed hours and to amend the existing seasonal variation so as to cover the full festive period as permitted in terms of the Board's policy for the festive period.
- (iii) There is no change to the capacity for the premises and the variations are in accordance with Board policy.
- (iv) The variations sought are reasonable and appropriate for this type of business. There is no conflict with any of the licensing objectives and I have no cause to object to the grant of the variation.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **8.2 Local conditions**

Existing local conditions will continue to apply and it is recommended that the following additional local condition 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.

### 8.3 Special conditions

The Board may wish to consider attaching the following special conditions:

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 that time) until whichever is the earlier of-
  - (a) the time at which the premises next close; and
  - (b) 0500 hours; and
2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-
  - (a) the time at which the premises next close; and
  - (b) 0500 hours.

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 8.2 and 8.3 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/0775

Date: 23 February 2017

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