

## The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	12.15
Report No	HLB/073/17

### Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Sligachan Hotel, Sligachan, Isle of Skye, IV47 8SW

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by Central Skye Hotels Ltd, c/o Innes and MacKay, Kintail House, Beechwood Business Park, Inverness, IV2 3BW.

#### 1.0 Description of premises

1.1 The premises is a rural 21 bedroom hotel with a lounge bar and a large bar restaurant.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Thursday: 0800 hours to 2400 hours  
Friday: 0800 hours to 0100 hours  
Saturday: 0800 hours to 0030 hours  
Sunday: 1100 hours to 2330 hours

##### Off sales:

Monday to Saturday: 1000 hours to 2200 hours  
Sunday: 1230 hours to 2200 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- (1) Amend licensed hours Monday to Sunday to commence at 1100 hours and terminate at 0100 hours the following day;

- (2) Increase off-sales hours on a Sunday to commence at 1100 hours;
- (3) Remove seasonal variation so as to permit year round trading and amend the description of the premises to remove the reference to seasonal trade;
- (4) Delete existing terms of entry for children and young persons and substitute terms making it clear that children require to be accompanied by an adult and that, at the discretion of management, young persons need not be accompanied by an adult. An additional restriction that only children and young persons having a meal or attending a function on the premises are permitted is also to be removed;
- (5) Amend the layout of the premises following refurbishment of Seumas' bar;
- (6) Amend Premises Manager address details.

#### **4.0 Background**

- 4.1 On 3 May 2017 the Licensing Board received an application for a major variation of a premises licence from Central Skye Hotels Ltd.
- 4.2 The application was publicised during the period 5 May 2017 until 26 May 2017 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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) The premises was granted opening from 0800 hours in accordance with “grandfather rights” retained on transition. Following a review of trading opportunities the applicant now seeks to bring the licensed hours in line with the current Board’s policies which reduces the licensed trading period to 14 hours on any day;
- (ii) As a consequence of an increase in tourist trade the premises will now be open all year round and the existing seasonal variation is to be removed;
- (iii) The precise terms of the existing terms of entry for children and young persons were ambiguous and unnecessarily restrictive. The proposed terms are in line with Board policy and should not conflict with the licensing objectives;
- (iv) Since the date of application the list of licensing objectives contained within the Act has been amended with effect from 15 May 2017 and objective 5 now refers to protecting children **and** young persons from harm. Highland Licensing Board policy does not currently contain any specific references to young persons.

I am satisfied that the applicant has given due consideration to the amended objective and that permitting unaccompanied young persons to be within parts of the premises containing a bar counter until 2200 hours should not conflict with the objective.

Refurbishment of the bar area does not affect the operating plan for the premises.

The proposed variations are reasonable and appropriate for this type of business 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 no additional local conditions are considered necessary.

### **8.3 Special conditions**

No special conditions are considered necessary.

## **Recommendation**

The Board is invited to determine the above application.

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/1465

Date: 29 May 2017

Author: Carol Nicolson

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