

The Highland Licensing Board

Meeting – 14 May 2019

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| Agenda Item | 9.2 |
| Report No | HLB/050/19 |

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

Royal Hotel, Bank Street, Portree, Isle of Skye, IV51 9BU

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by MacLeod Hotels Ltd, 71 Castle Heather Road, Inverness, IV2 4EA.

1.0 Description of premises

1.1 The premises is a 3 storey traditional hotel with restaurant, bar, diner, resident's lounge and usual facilities on the ground floor. Bedrooms are located on the 1st and 2nd floors. A hairdressing service is also available on the 1st floor.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Delete existing terms of entry for children and young persons and substitute:

TERMS:

While in any part of the premises containing a bar counter all children and young persons must be in the company of an appropriate responsible adult;

Children are not permitted within any room containing a bar counter after 2200 hours unless consuming a meal or attending a function;

TIMES:

At all times subject to terms of entry;

PARTS:

All public parts of the premises subject to the terms and times of entry;

- (2) Delete existing seasonal variation and substitute:

The premises may take advantage of any period of extended hours agreed by the Board for the festive period;

- (3) Remove outdoor drinking area as a permitted activity;

- (4) Increase capacity from 468 to 488 persons;

- (5) Amend layout of the premises:-

(i) Alterations to the layout including the layout of the Tianavaig Restaurant on the ground floor;

(ii) removal of restaurant facilities on the 1st Floor and conversion of part of the available space to new bedrooms and conversion of part of the available space to new bedrooms;

(iii) reduction in the size of the hairdressing area on the 1st floor and formation of new bedrooms;

- (6) Delete existing premises description and substitute:

3 storey traditional hotel with restaurant, bar, diner, resident's lounge and usual facilities on the ground floor. Bedrooms are located on the 1st and 2nd floors. A hairdressing service is also available on the 1st floor.

3.0 Background

3.1 On 15 March 2019 the Licensing Board received an application for a major variation of a premises licence from MacLeod Hotels Ltd.

3.2 The application was publicised during the period 25 March 2019 until 15 April 2019 and confirmation that the site notice was displayed has been received.

3.3 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.

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://highland.gov.uk/hlb_hearings

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. that 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 the same or similar description as the subject premises, in the locality.

4.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.3 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.

4.4 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) Arising from a review of the business plan for the premises, the applicant is to carry out works on the premises and create additional bedrooms in the space on the first floor formerly occupied by a restaurant and a hairdressing service. Additional work is also to be carried out on the ground floor to improve the layout of the Tianavaig Restaurant;
- (ii) The applicant also no longer wishes to have an outdoor drinking area and the operating plan and layout plan is amended to that effect;

- (iii) As a consequence of the alterations within the premises the capacity is to increase from 468 to 488 persons and the premises description changed;
- (iv) The premises currently operate with a seasonal variation which restricts trading hours at different times of the year. The applicant now wishes to have activities and services available throughout the year and may also take advantage of any period of extended hours agreed by the Board for the festive period;
- (v) The opportunity is also being taken to clarify the terms of entry for children and young persons in accordance with Board policy;
- (vi) I am satisfied that the applicant has given due consideration to the licensing objectives and I have no cause to object to the grant of this variation application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 be attached:

- k 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 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;
2. A designated person who is the holder of a personal licence 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 or such other time as the Licensing Board may specify.

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. 7.2 and 7.3 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/0772
Date: 29 April 2019
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