

## The Highland Licensing Board

Meeting – 25 June 2019

Agenda Item	9.2
Report No	HLB/063/19

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

Redwood house, Greshornish, Edinbane, Isle of Skye, IV51 9PN

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

##### Summary

This report relates to an application for a major variation of premises licence by Christopher Watkiss, Redwood House, Greshornish, Edinbane, Isle of Skye, IV51 9PN.

#### 1.0 Description of premises

1.1 Redwood House comprises 2 buildings. The main building has a hall, library, kitchen, living room and dining area/sun room on the ground floor; 4 en-suite bedrooms on the first floor and one bedroom on the second floor with attic storage above. The other building comprises a bedroom and laundry on the ground floor. Alcohol is served to residents only.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

- (1) Vary description of the premises;
- (2) To list of activities during and outwith core hours add televised sport, theatre, films, gaming, indoor/outdoor sports and bar meals;
- (3) At Q5 add charity and fundraising events, corporate events, live streaming of artistic performances, gallery showings, food and drink tastings. Premises may be used as a base for sporting and health activities and, from time to time, a marquee or other temporary structure may be erected in the grounds in support of functions and events;
- (4) Increase capacity from 12 to 150 persons;

- (5) Layout plan –
- (i) Extension to premises and relocation of bar and restaurant areas;
  - (ii) Extend licensed area to include a larger outdoor drinking area.

### **3.0 Background**

- 3.1 On 30 April 2019 the Licensing Board received an application for a major variation of a premises licence from Christopher Watkiss.
- 3.2 The application was publicised during the period 10 May 2019 until 31 May 2019 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://highland.gov.uk/hlb\\_hearings](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) Redwood House, Greshornish, Isle of Skye, is a well established boutique hotel, which occupies a rural site set among substantial landscaped grounds.
- (ii) The hotel has previously only serviced the alcohol requirements of residential guests but now seeks to broaden its ability to sell alcohol to non-residents as well. The premises have an incident free operating history and checks made by the Licensing Standards Officer has shown appropriate due diligence to the alcohol licensing requirements.
- (iii) Application has also been made to update the licence in line with some major refurbishing works which have seen the licensed footprint of the premises extended. Appropriate revised layout plans of acceptable standard have been submitted. A revised premises description has been submitted to ensure accurate presentation of the premises.
- (iv) Section 5 of the operating plan has been revised to include an upgraded range of facilities and activities that come within the portfolio available to guests. Permission is requested on occasion to erect a marquee within the substantial grounds to host specific functions. This appears entirely reasonable in view of the hotel's secluded location which will ensure there is no impact to nearby residential property.
- (v) The capacity of the premises due to the refurbishments has been expanded to 150 persons.

- (vi) The LSO has reviewed the revised operating plan and finds it compliant with the 5 licensing objectives.

## **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**

There are no existing local conditions and it is not considered necessary to attach any.

### **7.3 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/1762  
Date: 5 June 2019  
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