

The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	7.2
Report No	HLB/029/20

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

Marmalade, Home Farm Road, Portree, Isle of Skye, IV51 9LX

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Perle Hotels Limited.

1.0 Description of premises

1.1 Marmalade is a 3 storey detached Georgian house run as a hotel situated in Portree. It has 7 en-suite bedrooms, a restaurant and bar, a courtyard and sits in mature gardens.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday: 1100 hours to 0030 hours
Friday: 1100 hours to 0100 hours
Saturday: 1100 hours to 0030 hours
Sunday: 1200 hours to 2330 hours

Off sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1200 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 premises description;

- (2) On and off sales to commence at 1100 hours instead of 1200 hours on Sunday;
- (3) Substitution of premises manager;
- (4) Increase capacity of premises from 161 to 202;
- (5) Variation to layout plan –
 - (a) Addition of 23 guest bedrooms to the existing hotel increasing the total room numbers to 34 thus increasing the overall footprint;
 - (b) Develop and extend the car park provision with an additional 25 spaces and provision of a bicycle shelter;
 - (c) The main entrance is moving to what was the original rear of the hotel and will be accessed from the main car park walkway;
 - (d) The existing toilets are being relocated to the new extension allowing for a larger reception and small reception/lounge area for the restaurant;
 - (e) The existing garden dining area is being extended to fit additional tables.

4.0 Background

- 4.1 On 10 February 2020 the Licensing Board received an application for a major variation of a premises licence from Perle Hotels Limited.
- 4.2 The application was publicised during the period 14 February 2020 until 6 March 2020 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

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. 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.

5.2 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.

5.3 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.

5.4 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) The premises known as Marmalade, is situated on Home Farm Road, Portree, Isle of Skye. This is a location on the outskirts of Portree town centre.
- (ii) Marmalade is a 3 storey detached Georgian house hotel situated in its own mature garden grounds.

- (iii) The premises currently operate as a hotel with 11 bedrooms but is undergoing extensive renovation to increase the capacity to 34 rooms.
- (iv) This will increase the maximum capacity of residents to 71.
- (v) There will be additional seating capacity for diners increasing to 48 within the dining room as well as 42 outside diners in the extended garden dining area. The maximum occupancy of the premises will now be 202 persons.
- (vi) There is also a request to change on and off sales hours on a Sunday to start at 1100 hours instead of the existing 1200 hours.
- (vii) The current description of the premises is updated to take account of the additional extensions.
- (viii) The proposed changes do not conflict with Board policy. 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.
- (ix) The site notice has been displayed for the required 21 days. No objections or representations have been received following the public consultation phase of the application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

The existing special condition will continue to apply and no additional 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/1507

Date: 10 March 2020

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