

Highland Licensing Board

Meeting – 29 March 2022

Agenda Item	7.3
Report No	HLB/019/22

Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

Bracken Hide Hotel, Struan Road, Portree, Isle of Skye, IV51 9EG

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Bracken Hide Hotel, Struan Road, Portree, Isle of Skye, IV51 9EG.

1.0 Description of premises

1.1 The Bracken Hide Hotel is situated on the outskirts of the town of Portree and consists of a resort hotel with a central “hub” building together with 27 luxury en-suite cabins located on the site. The cabins are self contained and do not form part of the hub building. The hub building comprises hotel reception, restaurant, lounge and whisky room and an additional public room on the mezzanine floor. There is an outdoor drinking area located to the rear of the premises. The cabins contain a mini bar for the use of residents. Residents of the hotel will also be able to obtain room service of food and drink from the hub. There will be shared use resident’s sauna and outdoor heated plunge pool.

2.0 Operating hours

2.1 The applicant seeks the following **on sale** hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off sale** hours:

Off sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

3.1 On 17 January 2022 the Licensing Board received an application for the provisional grant of a premises licence from Bracken Hide Limited per Harper MacLeod LLP.

The application was accompanied by the necessary section 50 certification in terms of Planning together with a Disabled Access Statement.

- 3.2 The application was publicised during the period 24 January 2022 until 14 February 2022 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 attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

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 are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. that having regard to;
 - (i) the nature of the activities 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, or

5. 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 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) The property known as Bracken Hide Hotel is a combination of a central hub building and 27 luxury en suite cabins in its own grounds on the outskirts of Portree, Isle of Skye.
- (ii) The application is to allow for the provision of alcohol by both on and off sales. There is a restaurant and separate bar area and lounge for dining and provision of alcohol. There is also an outdoor area to the rear of the "hub" building.
- (iii) The applicant is seeking to provide full alcohol service to residents of the luxury chalets adjacent to the main building, including mini bar facilities within the cabins and room service provided from the main building.
- (iv) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (v) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (vi) The layout plan submitted complies with the required specifications.
- (vii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (viii) During the period of public consultation, no objections were received.
- (ix) I have no objection to this 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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the schedule of local conditions:

- m After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para 7.2 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/1996
Date: 14 March 2022
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