

The Highland Licensing Board

Meeting – 1 August 2023

Agenda Item	8.8
Report No	HLB/089/23

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

Dornoch Hotel, Grange Road, Dornoch, IV25 3LF

Report by the Clerk to the Licensing Board

Summary

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

1.0 Description of premises

1.1 The premises are a 125 bedroom hotel accommodating 209 guests. The hotel is fully detached and situated in its own large grounds which comprise a pitch & putt course. The premises overlook the Royal Dornoch Golf Course. The public areas comprise of 2 dining rooms seating up to 210 diners, a bar area with seating for 140 guests, a reception lounge with seating for 40 guests and a sun lounge area with seating for 40 guests.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Amend description of the premises;
- (2) Change name of premises to Dornoch Station Hotel;
- (3) Increase on sale hours from 1100 hrs to 0100 hrs each day;
- (4) Add seasonal variation;
- (5) Add to other activities - mini bars are provided in all guest bedrooms and the front lawn will be used to host weddings and receptions within a marquee;
- (6) Amend on sales capacity;
- (7) Remove details of existing premises manager; and

(8) Amend layout plans to reflect refurbishment of all areas of hotel, public spaces, bedrooms and back of house, reduction of bedroom numbers to 80, inclusion of a new bar in the function space, refurbishment of all food and beverage areas, outside area for the hosting of weddings and receptions within marquee.

3.0 Background

3.1 On 13 June 2023 the Licensing Board received an application for a major variation of a premises licence from DNUK Operator Limited.

3.2 The application was publicised during the period Monday 19 June until Monday 10 July 2023 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 they have accordingly been invited to attend a meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

www.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:-

1) The property historically known as Dornoch Hotel is a long-established hotel on Grange Road, Dornoch, overlooking the Royal Dornoch golf course.

2) This application is to extend the current activities offered by the premises as well as altering the layout of the premises following a major refurbishment. The full detail of the variation is described in detail elsewhere in the report.

3) The premises have operated for many years without adverse comment.

4) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.

5) The children's and young persons policy is appropriate.

6) The layout plan submitted complies with the required specifications.

7) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

8) During the period of public consultation, no objections were received.

9) There are ongoing matters with Building Standards which are expected to be resolved following the completion of refurbishment, but which are dealt with under separate legislation.

10) 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

Existing local conditions will continue to apply and it is recommended that the following additional local condition be attached:

(m) After 2200 hrs alcoholic or non alcoholic drinks shall not be consumed in any outdoor 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(s) 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/CSR/0411

Date: 11 July 2023

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005