

The Highland Licensing Board

Meeting – 7 May 2024

Agenda Item	8.10
Report No	HLB/49/24

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

Hebridean Hotel, 14 Harrapool, Broadford, Isle of Skye, IV49 9AQ

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Hebridean Hospitality Ltd, Pinnacle Ridge, Crossal, Isle of Skye, IV47 8SP.

1.0 Description of premises

1.1 The premises is situated on the outskirts of the village of Broadford and is a detached hotel over three floors and is open to residents and non residents.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Increase licensed footprint to include self catering chalet “Blairmore Chalet” and “Blairmore”.
- (2) Decrease on sales capacity from 102 to 98 (further decreased to 96 after Building Standards consultation detailed at Item 3.6 of the report).
- (3) Amend premises description.
- (4) Remove outdoor drinking facilities - Activity 5(d).
- (5) Remove part wording 5(f) - any other activities - relating to the outdoor drinking facilities.
- (6) Change premises name from Hebridean Hotel to Hebridean Inn.
- (7) Layout plans -
 - (i) amended layout plan showing variation to Hebridean Hotel layout.
 - (ii) layout plans for Blairmore Chalet and Blairmore.
 - (iii) plans include new licensed footprint.

3.0 Background

- 3.1 On 19 March 2024 the Licensing Board received an application for a major variation of a premises licence from Hebridean Hospitality Ltd.
- 3.2 The application was publicised during the period 22 March 2024 until 12 April 2024 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 During the consultation process, Building Standards advised that as "Blairmore" was being proposed as additional accommodation, they could only support the application if Blairmore was used as either of the following options:-
 - (a) the house gets let out to the same family group at one time, with no limit to the size of the family; or
 - (b) the house gets let out to **no more** than 6 unconnected people at one time

If the house was to be used for anything different from that it would involve a conversion of the house into annex accommodation for the hotel.

The applicant confirmed that the house would be used under option (b) above and Building Standards confirmed they were satisfied with this. Choosing option (b) reduces the proposed total premises capacity to 96.

- 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:

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:-

- (i) The premises consist of detached 8 bedroom hotel Hebridean Hotel, detached 4 bedroom "Blairmore", detached 2 bedroom "Blairmore Chalet" which are all included in/come under the premises licensed footprint .
- (ii) The three buildings are located in a semi-rural location on the outskirts of Broadford next to the A87.
- (iii) The application is within HLB policy.
- (iv) The application is consistent with the licensing objectives.
- (v) The addition of "Blairmore" and "Blairmore Chalet" to the premises licence is what the applicant requires as their business model evolves.

- (vi) There are a few other amendments included in the variation and they are also required to accurately reflect the updated operating plan.
- (vii) There have been no objections in respect of this application.
- (viii) Representation from Building Standards ref the number of occupants for 4 bedroom "Blairmore" - maximum 6 unconnected persons has been acknowledged and agreed by the applicant. This will reduce further the total capacity to 96.
- (xi) No additional conditions are deemed necessary for this application.
- (x) I have no objections to this application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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 no additional local conditions are considered necessary.

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/0811
Date: 18 April 2024
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