

## The Highland Licensing Board

Meeting – 7 June 2024

Agenda Item	8.11
Report No	HLB/50/24

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

Atholl House, Dunvegan, Isle of Skye, IV55 8WA

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Atholl House (Skye) Ltd, Atholl House, Dunvegan, Isle of Skye, IV55 8WA.

#### 1.0 Description of premises

1.1 Atholl House is situated within the village of Dunvegan and has 9 en-suite bedrooms on two floors, a dining room, lounge and outdoor seating areas. There is no bar within the premises and the sale of alcohol is by table service only. It 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) Layout plan – inclusion of 2 self catering cabins within licensed footprint;
- (2) Increase on sales capacity from 146 to 150;
- (3) Amend premises description to reflect changes.

#### 3.0 Background

3.1 On 11 March 2024 the Licensing Board received an application for a major variation of a premises licence from Atholl House Skye Ltd.

3.2 The application was publicised during the period 15 March 2024 until 5 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 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](http://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 are located in Dunvegan village in North West Skye and consist of 9 en-suite bedrooms over 2 floors and 2 self-catering cabins which may be utilised for staff or guest use.
- (ii) The application is within HLB policy.
- (iii) The application is consistent with the licensing objectives.
- (iv) The addition of 2 cabins to the premises licence is required by the applicant to update their operating plan and licensed footprint.
- (v) No objections or representations have been received in respect of the application.
- (vi) No additional conditions are deemed necessary for this application.
- (vii) 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**

The existing local condition 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/1986

Date: 18 April 2024

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