

The Highland Licensing Board

Meeting – 06 August 2013

Agenda Item	10.3
Report No	HLB/090/13

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Westerlea Hotel, Inverness Road, Nairn, IV12 4SD

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/14

This Report relates to an application for a major variation of Premises Licence.

Premises: Westerlea Hotel, Inverness Road, Nairn, IV12 4SD

Applicant: Andrew Stevenson McLauchlan, 26 Cross Street Peebles EH45 8LE

1 Description of Premises

The premises currently operate as a Hotel offering both on and off sales. It is a free-standing Victorian, two-storey building with public bar extension transformed into a hotel and local public bar for surrounding housing estates in the 1960's. There is a private car park for 20 cars.

2 Summary of Variation Application

2.1 Variation Sought

- Variation to core hours: Friday & Saturday 11.00 to 01.00 (on sales) (Currently 00.30)
- On and Off sales to commence from 12.00 noon on Sundays. (Currently 12.30)
- Seasonal Variation: permit premises to operate any periods of extended hours in line with Highland Licensing Board policy
- Activities to include restaurant facilities, live performances and televised sport and gaming.
- Children and Young Persons who are non-resident to be allowed on the premises until 21.30. For private functions with management agreement, Children and Young Persons may be allowed for the duration of the function.
- Restaurant facilities are available for breakfast provision.

3 Background

- 3.1 The premises are licensed for on and off sales and were converted from the 1976 Act.
On 23 May 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the licence holder Mr Andrew Stevenson McLauchlan.
- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant had to display the Notice on site for the same period (3 June to 24 June 2013). Confirmation of display of the site notice has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.
- 3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 3.5 No objections or representations have been received.

4 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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

4.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

5 Licensing Standards Officer's Comments

The Westerlea Hotel is a small Hotel just outside Nairn Town Centre which is a detached property set in its own grounds.

Currently the Premises Licence Holder has leased the Hotel to tenants who are modernising the Hotel's approach to business. Part of this has led to the current application.

The variation to core hours is within the Policy Hours of the Highland Licensing Board. Many local hostelrys already enjoy these core hours to maximise business at weekend periods on Friday and Saturday evenings; similarly advancing Sunday hours to midday opening will allow earlier lunch time service.

The Applicant has asked for the Seasonal Variation section of the Operating Plan to reflect that the Premises will seek to take advantage of periods of extended hours offered as General Extensions by the Highland Board such as the Festive Period. The Applicant and his tenants understand and accept the Local Licensing Condition to send notice to the Police and the Board of the dates they wish to operate extended hours.

Within the current tenant's plans for the business food provision and occasional live performances are key features, as is the provision of televised football on major European competition nights. As such application is made to include such activities within section 5 of the Operating Plan. The fact that the Premises are set within their own substantial grounds will mitigate against the likelihood of disturbance caused by live performances to neighbouring residents.

In providing meals on the Premises there is a drive to make the Premises more family friendly and as such an amendment is made to allow Children and Young persons who are non- resident on the Premises until 21.30hours which reflects the time that food provision will cease. On the occasion of private functions the presence of Children and Young Persons is requested to be allowed for the duration of the function. This is seen as suitable by the LSO.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions

(iv) Highland Licensing Board combined Equality Scheme

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.

7.3 Specific Condition(s)

The Licence Holder shall submit to the Board and to Northern Constabulary prior to 1st December each year notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Festive Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Northern Constabulary in accordance with this condition.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/14

Date: 30/05/2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form.