

The Highland Licensing Board

Meeting – 6 August 2013

Agenda Item	10.10
Report No	HLB/097/13

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

Foxes Hotel, 11 Saltburn Road, Invergordon, IV18 0HH

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a major variation for a Premises Licence in respect of Foxes Hotel, 11 Saltburn Road, Invergordon, IV18 0HH.

1.0 Licensing History

1.1 The premises tendered a conversion licence under the transitional provisions in 2009.

2.0 Variation Details

- 2.1
- a) change the on-sales hours to Monday to Saturday 1100 hrs to 0100 hrs and Sunday 1200 hrs to 2400 hrs.
 - b) change the off-sales hours on Sunday 1200 hrs to 2200 hrs.
 - c) Add seasonal variation to take advantage of any extended hours for the festive period as permitted by the Board.
 - d) Amend activities and services to be provided during and outwith core licensed hours to include restaurant facilities, receptions, music, live performances, indoor sports, televised sports, outdoor drinking facilities, charity and fundraising events, quiz nights, wines and spirits tasting, cookery demonstrations, barbecues and special events in connection with cruise ship visits.
 - e) Amend list of activities and services to be provided outwith core hours, specifically receptions, music, live performances, films and televised sports.
 - f) Amend description of premises removing reference to a public bar and substituting lounge bar/restaurant.
 - g) Amendments to children and young persons' terms of entry in

accordance with Board policy as a consequence of the removal of the references to a public bar on the premises.

h) Change of premises name to "Tuckers Inn".

2.2 The existing hours are:-

On-sales – Monday to Saturday 1100 hrs to 2400 hrs and Sunday 1230 hrs to 2330 hrs

Off-sales – Monday to Saturday 1100 hrs to 2200 hrs and Sunday 1230 hrs to 2200 hrs

3.0 Process

3.1 Following receipt of the application which has been accompanied by statutory fee:

3.2 A notice of the application together with a copy thereof has been sent to Police, Fire, Environmental Health, Planning, Building Standards, Licensing Standards Officer and NHS's Director of Public Health. The local Community Council were also notified.

3.3 The Chief Constable has a period of 21 days to give notice that either the applicant or any connected person has been convicted of any relevant offence or foreign offence. It is also open to the Chief Constable in the event of giving such a conviction to recommend that the application be refused for the purposes of crime prevention objection that is the prevention of crime and disorder.

3.4 The Board has advertised the application on the Council's website for a period of 21 days and the applicant displayed the Notice on site for the same period.

3.5 A letter of objection dated 27 May 2013 was received from Mr R Hellett and Miss L Haughey and a letter of representation dated 17 June 2013 was received from Invergordon Community Council. Copies of these letters are attached.

3.6 The Applicant and the Board have complied with all the statutory formalities. The Licensing Standards Officer has also commented and any amendments proposed have been incorporated into the operating plan or are recommended as conditions.

4.0 The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board combined Equality Scheme

5.0 The Members will note that the following is a summary of the Board's powers and if required more specific advice will be offered.

5.1 Grounds For Refusal

Relevant grounds of refusal may be:-

1. The premises are excluded premises.
2. The grant of the application will be inconsistent with one or more of the licensing objectives.
3. 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, if the Board considers the premises are unsuitable for the sale of alcohol.
4. Having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

5.2 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.

6.0 Licensing Standards Officer's Comments

6.1 The applicant has recently taken over operation of the premises which had been closed for over 2 years. The variations applied for are to reflect a change in the business model and are reasonable and appropriate for these Hotel premises.

6.2 Letter of Objection

6.3 On Saturday 20 July 2013 I met with Louise Haughey and Robert Hellett to discuss their letter of objection to the variation.

6.4 Many of their concerns related to their experience when the premises were traded under previous ownership as, effectively, a public house. I discussed the implications of the new operating plan with them and they are now reassured that the new owner intends to concentrate on the provision of meals and accommodation while also able to provide facilities and services for small receptions.

7.0 Local Conditions

7.1 Removal of condition (j) relating to pool and darts which is no longer applicable.

7.2 Special Condition

7.3 The licence holder shall submit to the Board and to Northern Constabulary prior to 1 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.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1168

Date: 23 July 2013

Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005

Appendixes: (1) Letter dated 27 May 2013 from Mr R Hellett and Miss L Haughey
(2) Letter dated 17 June 2013 from Invergordon Community Council

27/5/13

Mr R Hellett & Miss L Haughey

13 Saltburn Road

Invergordon

Ross-shire

IV18 OHH

Ref – Change of opening hours/variation of licence @ Foxes Hotel, Invergordon

Dear Sir/Madam

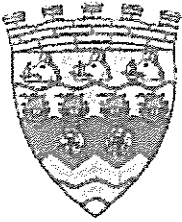
With reference to the above application we wish to lodge the following objections:

- The premises are already operating at full capacity with their accommodation and restaurant facilities, increasing opening hours will cause overcrowding within the building.
- Increased noise volume inside and outside the building will cause an environmental noise disturbance due to the property being unsuitable for large volumes of clients.
- Later opening hours encourages crime and disorder when clients are leaving the building due to longer drinking hours on the premises.
- Clients waiting outside late at night for taxis etc may encourage trouble with alcohol fuelled clients becoming abusive and behaving violently or damaging properties/vehicles in the car park area, causing concern for public safety.
- Extending opening hours will encourage rowdy, late night noise from clients leaving the building passing adjacent properties as we have experienced in the past.
- Allowing live music will cause noise disturbance to adjoining properties as we have experienced in the past forcing us to involve the environmental health to check the noise levels and their findings being that the building is not suitable for live music. Suitable soundproofing of the building has not been carried out during recent refurbishment of the building.
- Speaking with the manager we were advised the premises would be run only as a hotel/restaurant which would have caused us little worry as the premises are currently closed around 10.30pm. Extending opening hours will encourage rowdy, late night noise outside.
- Increased traffic volume outside the hotel will cause problems with insufficient parking available and cars having to park on the pavements and outside my neighbour's home.
- Also my driveway access needs to be kept clear as we only have one way in by the through road passing the hotel increased traffic volume may prevent this.

Yours faithfully

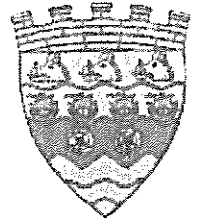
Louise Haughey

Robert Hellett



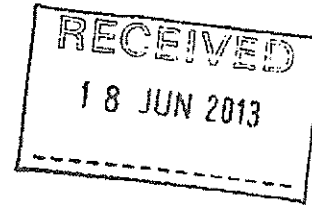
Invergordon Community Council

C/O Invergordon Service Point, High Street, Invergordon,
Ross-shire, IV18



17th June 2013

Alaisdair H MacKenzie,
Clerk to the Highland Licensing Board.



Dear Sir,

Application for Variation of Premises Licence
Foxes Hotel, Invergordon.

I am writing to you on behalf of Invergordon Community Council about the above application.

We have read the application and discussed the details at our recent meeting. As a result, we wish to make the following points.

We have no objections to the changes in on-sales or off- sales.

We have no objection to the addition of addition of music, live entertainment etc.

However, in the case of 'entertainment' some of which could be outwith the 'core hours,' we would ask that consideration is given to the fact that there are residential properties in very close proximity who could possibly be disturbed if customers are exiting in the early hours of the morning.

Therefore, we would ask that at such events extra stewards should be present to ensure there are no disturbances in the area.

Thank you for your attention.

Yours sincerely,

Fiona Porter [Secretary]