

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	9.3
Report No	HLB/086/15

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

Fairwinds Hotel and Chalets, Carrbridge PH23 3AA

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by J and P R Haywood, Fairwinds Hotel, Main Street, Carrbridge PH23 3AA

1.0 Description of Premises

1.1 Fairwinds Hotel sits in its own grounds up a drive, well off the main road. There is no passing traffic on foot or by road. The hotel has a small bar and a large conservatory where meals are served. Seating is usually set for 18 persons but can accommodate up to 26 diners if required. The restaurant is primarily for use by hotel residents and for the chalet guests. The hotel guests have access to the public areas, bar, conservatory, hallway and toilets.

The premises currently enjoys the following operating hours:

2.0 Current Operating Hours

On Sales:

Monday to Saturday: 1100 hours to 2400 hours.

Sunday: 12.30 hours to 2400 hours.

3.0 Summary of Variation Application

3.1 Variation Sought

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

Operating Plan:

1. Amend activities to include conference facilities, receptions outwith core hours, club groups, music outwith core hours, live performances, dance facilities, films, televised sport and outside drinking.
2. Amendment to Children's Policy
3. Former wording of seasonal variation has been removed.

4. Layout Plan:
Outside drinking in the hotel grounds has been incorporated into the amended layout plan.
5. Licence:
The premises description has been altered to read: ' Fairwinds Hotel, Carrbridge is a small country house hotel within its own substantial grounds. There are 5 guest bedrooms, a conservatory/dining room, 3 x 2 bedroom chalets, 3x 3 bedroom chalets and outside drinking in the hotel grounds. A small bar facility is set up in the resident's lounge; drinks are dispensed at guests request. There is no bar counter'.

4.0 Background

- 4.1 On 8 June 2015 the Licensing Board received an application for a major variation of a premises licence from Peter Roy Haywood for J and P R Haywood, Fairwinds Hotel, Main Street, Carrbridge PH23 3AA.
- 4.2 The application was publicised during the period 22 June until 13 July 2015 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council (Carrbridge).
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

5.0 Legislation

- 5.1 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. having regard to the number and capacity of 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 overprovision of licensed premises or licensed premises of that description in the locality.

5.2 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.

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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

The premises referred to are a small private hotel situated in Carrbridge. The premises are a substantial granite detached building within landscaped grounds.

Recent transfer of ownership has occurred and the new premises licence holder wishes to modernise and expand the operating plan to offer a broader range of services to guests. Accordingly the following activities are added to section 5 of the operating plan: conference facilities, club groups, live performances, dance facilities, films, televised sport and outside drinking.

Outside drinking is to be permitted within the premises own substantial garden grounds. This ostensibly is to allow residential guests the flexibility of enjoying a beverage outdoors. The proximity of neighbouring property is such that there will be no issue. The type of operation within the premises is such that the LSO is of the opinion that this does not need to be conditioned to prevent public nuisance. The description of the premises within the premises licence has been amended to include the outdoor drinking area.

A full set of amended lay out plans have been submitted with the application.

Existing facilities contained within section 5 of the operating plan namely receptions and music are extended to facilitate use out with licenced hours.

The Children's Policy has been amended to allow children and young person's access under adult supervision, which maintains the integrity of the fifth licensing objective.

The former seasonal variation wording has been removed as the new owners do not intend to operate a seasonal break in trading.

It is the LSO's view that nothing contained within this variation impinges adversely on the Licensing Objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory Conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local Conditions

There are no existing local conditions and none are recommended.

8.3 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/INBS/325

Date: 17 July 2015

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Background Papers:

- The Licensing (Scotland) Act 2005/Application Form.