

The Highland Licensing Board

Meeting – 1 November 2016

Agenda Item	6.2
Report No	HLB/102/16

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

Havelock House Hotel, Crescent Road, Nairn, IV12 4NB

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Gordon Holding, Manager's Flat, Braeval Hotel, Crescent Road, Nairn, IV12 4NB.

1.0 Description of premises

1.1 The premises comprise a detached hotel located close to the centre of Nairn and adjacent to the links. The premises provide a full range of hotel services including accommodation, restaurant and bar facilities.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday, Tuesday, Thursday : 1100 hours to 2400 hours
Wednesday, Friday, Saturday: 1100 hours to 0030 hours
Sunday: 1200 hours to 2400 hours

Off sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1200 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) On sales commencing at 1100 hours rather than 1200 hours on Sunday.
- (2) On sales terminating at 0100 hours rather than 2400 hours on Monday, Tuesday and Thursday.

(3) On sales terminating at 0100 hours rather than 0030 hours on Wednesday, Friday and Saturday.

(4) On sales terminating at 0030 hours rather than 2400 hours on Sunday.

(5) Addition of seasonal variation within operating plan: the premises may seek to open in line with any general extensions of licensing hours offered by the Highland Licensing Board.

4.0 Background

4.1 On 25 August 2016 the Licensing Board received an application for a major variation of a premises licence from Gordon Holding.

4.2 The application was publicised during the period 5 September until 26 September 2016 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.

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:-

(i) The Havelock Hotel is an established hotel situated overlooking the links area of Nairn. The hotel is owned and operated by Morag and Gordon Holding who are well respected hoteliers, who have a track record of sound operating and good diligence.

(ii) Request has been made to vary the core on sales hours to permit a terminal hour of 0100 hours Monday to Saturday, with a terminal hour of 0030 hours on Sunday. Sunday trading for on sales is requested from 11.00 hours. Such variation is within the policy hours of the current Highland Licensing Board policy. The LSO is of the opinion that such a variation offers no threat to the licensing objectives.

(iii) A request has been made to include a seasonal variation at section 3 of the operating plan to allow a generic permission for the premises to enjoy periods of extended hours as offered by the Highland Licensing Board such as the festive season. Again this in the opinion of the LSO is in keeping with the Licensing objectives.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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

Existing local conditions will continue to apply and it is recommended that the following additional local condition be attached:

(q) The licence holder shall submit to the Board and to Police Scotland, 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 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 Police Scotland in accordance with this condition. (Licensing Objective 2).

8.3 Special conditions

The Board may wish to consider attaching the following special conditions:

- (1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hours. (Mandatory condition).
- (2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours. (Local condition) (Licensing Objectives 1 and 2).

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 8.2 and 8.3 above.

Reference: HC/INBS/121

Date: 7 October 2016

Author: Marjory Bain

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