

The Highland Licensing Board

Meeting – 19 February 2019

Agenda Item	8.1
Report No	HLB/016/19

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

Entertainment Complex, Nairn Lochloy Holiday Park, East Beach, Nairn, IV12 5DE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Parkdean Holiday Parks Limited, 2nd Floor, 1 Gosforth Park Way, Newcastle Upon Tyne, NE12 8ET.

1.0 Description of premises

1.1 Holiday park comprising the Drifters function room and Spelding restaurant and patio areas, located between the harbour and Nairn Dunbar Golf Course.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 2400 hours
Thursday: 1100 hours to 0030 hours
Friday to Saturday: 1100 hours to 0100 hours
Sunday: 1200 hours to 2400 hours

Off sales:

Monday to Saturday. 1100 hours to 2200 hours
Sunday: 1230 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: terminal hour Monday-Wednesday 0100 hours rather than 2400 hours; terminal hour for Thursday 0100 hours rather than 0030 hours; Sunday: opening at 1100 hours rather than 1200 hours and terminating at 0100 hours rather than 2400 hours.

(2) Off sales: Monday-Saturday opening at 1000 hours rather than 1100 hours; Sunday opening at 1000 hours rather than 1230 hours.

4.0 Background

4.1 On 3 January 2019 the Licensing Board received an application for a major variation of a premises licence from Parkdean Holiday Parks Limited.

4.2 The application was publicised during the period 7 January until 28 January 2019 and confirmation that the site notice was displayed has been received.

4.3 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.

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://highland.gov.uk/hlb_hearings

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. 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.

5.2 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.

5.3 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.

5.4 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

(i) The premises concerned occupy a detached building on the estate of the Nairn Lochloy Holiday Park. The licensed part of this building comprises the Drifters function suite, Speldings restaurant and patio area. Ostensibly the premises in the main cater for the residents of the holiday park, although local trade is not precluded.

(ii) The premises have a trouble free operating history and compliance visits made by the LSO, have revealed that appropriate diligence is in effect in relation to the service of alcohol.

(iii) In the main, this variation deals with the modernisation of the core on and off sales hours included within the premises licence. The on sales hours are requested to be amended to allow the sale of alcohol between 1100 hrs and 0100 hrs daily Monday to Sunday. In terms of off sales, core hours of 1000 hrs until 2200 hrs are requested 7 days a week. Both these sets of hours are in keeping with the Licensing (Scotland) Act 2005 and local Highland Licensing Board Policy.

(iv) It is the view of the LSO, that there will be no adverse effect on the licensing objectives should the Board grant the application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 no additional local conditions are considered necessary.

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/140
Date: 30 January 2019
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