

**The Highland Licensing Board**

**Meeting – 19 February 2019**

Agenda Item	<b>8.6</b>
Report No	<b>HLB/021/19</b>

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

**Grannies Heilan Hame Holiday Park, Embo, Dornoch**

**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.

**1.0 Description of premises**

1.1 Family holiday park with on and off sales from the entertainment complex of a main bar in the club room, a bar in the restaurant and the public bar. All with adjacent outside areas for the consumption of food and drink.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Thursday: 1100 hours to 2400 hours  
Friday: 1100 hours to 0100 hours  
Saturday: 1100 hours to 2345 hours  
Sunday: 1230 hours to 2300 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. Increase on sales operating hours to terminate at 0100 hrs the following day Saturday to Thursday, and on a Sunday, to commence at 1100 hrs.

2. Increase off sales operating hours to commence at 1000 hrs daily.

#### **4.0 Background**

- 4.1 On 27 December 2018 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 2019 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](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:-

6.2 Arising from a review of the operating hours of the bar facilities within the holiday park, the licence holder makes application to increase the on-sales licensed hours to terminate at 0100 hrs the following day and, on a Sunday, to commence at 1100 hrs.

6.3 Application is also made to increase the off-sales licensed hours to commence at 1000 hrs daily.

6.4 The hours sought are within policy and I have no cause to object to the grant of this variation 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 only.

### 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/CSR/0300

Date: 4 February 2019

Author: L Gunn

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