

## The Highland Licensing Board

Meeting – 3 August 2021

Agenda Item	8.1
Report No	HLB/068/21

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

The 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 Ltd, 2<sup>nd</sup> Floor, One Gosforth Park Way, Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET.

#### 1.0 Description of premises

1.1 Family holiday park with direct access to Nairn beach.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

1. To amend access to children and young persons to include the two new additional outside patio areas as per plan attached to this application.
2. To add two new outdoor additional patio area to the current layout plans.

#### 3.0 Background

- 3.1 On 20 June 2021 the Licensing Board received an application for a major variation of a premises licence from Parkdean Holiday Parks Limited.
- 3.2 The application was publicised during the period 25 June until 16 July 2021 and confirmation that the site notice was displayed has been received.
- 3.3 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.

- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, both the applicant and the objector have been invited to submit a written representation to state their case.

#### **4.0 Legislation**

- 4.1 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.

- 4.2 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.

- 4.3 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.
- 4.4 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.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

(i) Application has been made by agents acting for the premises licence holder, to increase the licence footprint of the premises by expanding an existing outside area and by creating an additional area.

(ii) The premises are a self-contained holiday park which has operated successfully since the new Licensing Laws coming into effect in 2009.

(iii) The LSO is of the opinion, that no adverse effect on the licensing objectives is caused by this proposed development. Updated layout plans have been submitted to accompany the application.

(iv) During the public consultation phase of this application no objections or representations have been received by the Board.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

## **7.0 Conditions**

### **7.1 Mandatory conditions**

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

### **7.2 Local conditions**

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

### **7.3 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: 19 July 2021

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