

The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	9.1
Report No	HLB/035/23

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

Captain Faffs, Beaully Holiday Park

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Beaully Holiday Park Ltd, Robertson House, Shore Street, Inverness, IV1 1NF.

1.0 Description of premises

1.1 Beaully Holiday Park is situated on the outskirts of Beaully next to Lovat Bridge, caravans, campervans and tents are all welcome.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Live music performances by small bands or solo performances.
- (2) Permit persons under 18 years old to stay in Captain Faffs bar until 23.00 hours.
- (3) Permit the sale of alcohol from the reception by way of off sales.
- (4) The whole area of Beaully Holiday Park to be included in the licensing footprint so it can be utilised by various outdoor events served by a pop up bar. Audiences will be residents of the Park as well as a small number of public tickets. Music events will be capped at 250 persons.
- (5) Overall resident occupancy to be included in the operating plan as well as of sales capacity.
- (6) Entire area of Beaully Holiday Park to be licensed. Pop up bar may be positioned within this area on an event basis.
- (7) A small selection of alcohol is offered by way of off sales run from the reception area of the bar.
- (8) Increase in capacity from 30 to 340.
- (9) Change of children's policy to read: Terms: 'children and young persons, provided they are accompanied by an adult can be allowed at all licensed areas of Beaully Holiday Park during opening hours'.
Ages: 'All ages of children and young persons to be accompanied by parent/guardian'.

Times: 'All ages of children and young persons accompanied by parents/guardian during licensed hours'.
Parts: 'All area in public events'.

3.0 Background

- 3.1 On 29 December 2022 the Licensing Board received an application for a major variation of a premises licence from Beauty Holiday Park Ltd.
- 3.2 The application was publicised during the period 13 February until 6 March 2023 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 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 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:

www.highland.gov.uk/hlb_hearings

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) Beauly Holiday Park is situated on the east bank of the River Beauly, near to the Lovat Bridge, on the outskirts of Beauly, Inverness-shire.

(ii) The premises consist of a landscaped holiday park with mobile home, caravan and static caravan pitches. There is a separate bar for servicing customers, Captain Faff's which is a stand-alone building with bar counter and seating.

(iii) The operating history of the premises has been incident free. Compliance checks by the LSO show good standards of diligence.

(iv) A major variation application has been submitted to the Highland Licensing Board by the premises licence holder. The main feature of this is to bring the entirety of the grounds of the park under the licensed footprint. The reason for being that the owners wish to on occasion run outdoor music events on the premises with temporary bar facilities erected to service such events. By and large, these concerts will be for the residents of the Holiday Park with any residual untaken tickets sold locally. It is envisaged that the events will be capped to a capacity of 250 persons. Such an event was held in the summer of 2022 under the authority of an occasional licence and was a success.

(v) In addition to the foregoing change, music and live performances are to be added to the list of activities at Section 5 of the operating plan.

(vi) The children and young person's policy allows persons under 18 to be on the Holiday Park at all licensed hours when accompanied by an adult.

(vii) Off Sales will now be available to park residents from a small display area with a Reception Building at the entrance to the Park.

(viii) The overall capacity of the Holiday Park has been added to section 7 of the

Operating Plan.

(ix) The LSO is of the opinion that this proposed variation is compliant with the 5 licensing objectives.

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

The Board may wish to consider attaching the following special condition(s):

1. Any Live outdoor music events within the grounds of Beaully Holiday Park will be capped to 250 tickets.
2. At any live outdoor music event within the grounds of Beaully Holiday Park, the bar operation will be overseen by a person who is the holder of a Scottish Personal Licence.
3. Throughout the duration of any outdoor music event on the grounds of Beaully Holiday Park, alcohol shall only be sold in plastic or paper containers or cans.
4. Adequate stewarding by SIA registered personnel shall be provide for the duration of any outdoor music event on the grounds of Beaully Holiday Park.
5. Adequate First Aid provision by trained personnel shall be provided for the duration of any outdoor music event on the grounds of Beaully Holiday Park.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions detailed at para. 7.3 above.

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/532
Date: 13 March 2023
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