

The Highland Licensing Board

Meeting – 25 February 2025

Agenda Item	10.2
Report No	HLB/14/25

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

Havelock House Hotel, Crecent 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, 2 Kinsteary West, Lethen Road, Auldearn, 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 to Saturday: 1100 hours to 0100 hours
Sunday: 1100 hours to 0030 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) Amend core hours on sale consumption on Sundays to 01.00 hrs.
- (2) Amend core hours off sales consumption to commence at 11.00 hrs.
- (3) Amend terminal hour for outside drinking area to terminate two hours earlier at 22.00 hrs daily.
- (4) Update children and young persons policy.

(5) Bar/dining area extended to enable existing dining area to be relocated adjacent to bar. Existing dining area to be utilised as Resident Breakfast Room/Lounge.

(6) Relocation of outdoor drinking area to rear of hotel.

4.0 Background

4.1 On 20 December 2024 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 30 December 2024 until 20 January 2025 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:

www.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) Application is sought for minor amendments to the start time for off sales and the finish time for on Sales on a Sunday to align with the start and finish times for the remainder of the week which would permit the sale of alcohol as follows:

On sales - Monday to Sunday: 1100 hours to 0100 hours

Off sales - Monday to Sunday: 1100 hours to 2200 hours

(ii) Extensive reconfiguration works have taken place at the premises with an extension being added to the side of the hotel which encloses what was the previous outside drinking area and is now sought to be included within the licensed footprint as such. This extension which will be multi use enables the operators to relocate the existing dining area adjacent to the main bar whilst also having the option of making use of it for a variety of functions when appropriate to do so i.e. live music. The existing dining room will be utilised as a resident's breakfast room/lounge.

(iii) Application is sought to relocate the outside drinking area to the back of the hotel overlooking Marine Road and Nairn Links. Following consultation, the applicants have agreed to compromise and reduce the existing permitted hours for their outside drinking area from 2400 hours to 2200 hours.

(iv) Application is sought at Q6(b) to amend and update the Children and Young Persons policy to reflect the current operation of the premises.

(v) The LSO has visited the premises and provided advice and guidance in the compilation of the application. The application and operating plan are compliant with the Board's policy.

(vi) The LSO is satisfied that should the Board wish to grant this application then there will be no threat to the licensing objectives.

(vii) Following the public consultation phase of this application no objections have been made to the Board. One representation was submitted on behalf of the Council's Environmental Health Service informing that they had no objection to the application, but requested a noise management plan which outlines the management and physical measures to be put in place, to reduce the impact of noise as far as reasonably practicable. A noise management plan detailing measures put in place has been submitted by the applicants.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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 conditions be attached:

(m) After 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

n(i) No live or recorded music shall be played in any outdoor drinking area

(o) The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.

(p) The licence holder shall ensure that all outdoor tables are regularly cleared of used glassware, crockery, cutlery and refuse.

8.3 Special conditions

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

The premises licence holder shall ensure adequate supervision of patrons using

the curtilage of the premises for smoking, so that no noise nuisance is caused to nearby residents.

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.

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/121
Date: 12 February 2025
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