

The Highland Licensing Board

Meeting – 17 December 2013

Agenda Item	9.1
Report No	HLB/152/13

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

**Gellions, Bridge Street, Inverness IV1 1HD
Report by the Clerk to the Licensing Board**

Summary

REF: HC/INBS/254

This Report relates to an application for a major variation of Premises Licence.

Premises: Gellions, Bridge Street, Inverness IV1 1HD

Applicant: Punch Partnership Limited, Jubilee House, Second Avenue, Burton Upon Trent, per TLT LLP, 140 West George Street, Glasgow, G2 2HG

1.0 Description of Premises

The premises are a city 'locals' public house with separate restaurant.

1.1 Current Core Operating Hours

On Sales:

Mon – Sat 11.00 hrs to 01.00 hrs

Sunday 12.30 hrs to 24.00 hrs

Off Sales:

Mon – Sat 11.00 hrs to 22.00 hrs

Sunday 12.30 to 22.00 hrs

2.0 Summary of Variation Application

2.1 Variation Sought

1. Variation to On Sales on Sundays from 11.00 hrs to 01.00 hrs.
2. Variation to Off Sales on Sundays from 11.00 hrs.
3. Amend Seasonal Variations: To open for such extended hours as the Board may agree for each festive period.

3.0 Background

- 3.1 On 04 October 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, TLT LLP, 140 West George Street, Glasgow G2 2HG

- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (14 October to 11 November 2013). Confirmation of site notice has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland; There is no Local Community Council formed.
- 3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 3.5 An objection was received on 13 November 2013 from Mr Robin Murray on behalf of Highland Apartments Association, 34 Ardconnel Street, Inverness IV2 3EX, Mr Murray represents Apartments 205,210,209,308,309 and 402 By the Bridge, Bridge Street, Inverness.

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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
 3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.
- 4.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

5.0 Licensing Standards Officer's Comments

Following the publication of a new Policy Statement for 2013-2016, the Highland Licensing Board has allowed provision for Sunday core hours for on sales to commence from 11.00am and terminate at a maximum for non "Late Hours Premises" at 1.00am.

Accordingly the Applicants have now sought to take advantage of this extension in hours for their on sales trade and would also seek to allow off sales to commence from 11.00am.

The Premises are a well established city centre Premises with a trouble free operating history. A substantial part of their business is food led. Inspections carried out in the past by the LSO have indicated a high level of compliance and strong adherence to their operating plan.

In addition the Applicants seek to add to their Operating Plan under Seasonal Variations a statement indicating that they will seek to operate extended hours during periods where the Highland Board have granted a general extension of Licensed hours such as the Festive Hours Policy. The Applicants are willing to accept the specific condition listed within this report.

Following the statutory neighbour consultation a timeous objection to the variation has been received from Mr Robin Murray who is representing Apartments 205, 210,209,308, 309 and 402 By the Bridge, Bridge Street, Inverness, IV1 1HD, the objection relates to the third Licensing Objective concerning Public Nuisance caused by noise issues both from the front of the Gellion's Bar and outside Monty's Bar. At the time of writing the matter is being jointly investigated by the LSO and Environmental Health Officer's.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

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

Local condition q - The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

Recommendation

The Board is invited to determine the above application. The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/ 254

Date: 15 October, 2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form. Licensing Board Policy Statement from 1 October 2013 to 30 November 2016.

Appendix: Letter of objection from Robin Murray

12th Nov. 2013



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REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

1. Full Name and Address of person making objection/representation:

Robin Murray 34 Ardconnel Street Inverness IV2 3EX Representing Apartments 205,210,209,308,309,402 By the Bridge, Bridge Street, Inverness IV1 1HD	
Telephone Number:01463 717568 or 07877 200 880	
Email Address: robin@highlandapartments.co.uk	

2. Address of Premises in respect of which objection / representation is made:

Monty's Bar, Bridge Street, Inverness IV1 1HD

3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
1.	Excluded Premises	2 & 3
2.	Off-Sales Hours/24 hour drinking	
3.	Licensing Objectives	
4.	Activities/Premises/Customers	
5.	Over Provision	

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): No.2: Several complaints received concerning late night noise from the front of Gellions pub and from the back area called Monty's Bar. Noise is excessive after midnight from both points. No.3: General noise and disturbance, shouting and bad language, glass bottles breaking, is causing a public nuisance to residents and visitors staying in this residential building.

1	in support of application	
2	seeking an amendment to the operating plan, or	
3	seeking to add additional conditions to the licence ^	

Signature

..... Date 12/11/13