

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	11.1
Report No	HLB/093/14

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

The Kings Highway, 72-74 Church Street, Inverness IV1 1EN

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/110

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

Premises: The Kings Highway, 72-74 Church Street, Inverness IV1 1EN

Applicant: JD Wetherspoon (Scot) Ltd, per Brunton Miller, Solicitors, 22 Herbert Street, Glasgow G20 6NB

1 Description of Premises

On and Off Sales premises, centrally situated in Inverness in a commercial area. Previously operated as a Public House under the 1976 Licensing Act.

1.1 Existing Core Operating Hours

On Sales:

Monday to Wednesday, & Saturday: 11.00 hrs to 24.00 hrs

Thursday and Friday: 11.00 hrs to 01.00 hrs

Sunday: 11.00 hrs to 01.00 hrs

Off Sales:

Monday to Sunday 10.00 hrs to 22.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

Variation to trading hours for On Sales:

Monday to Sunday 11.00 hrs to 01.00 hrs

3 Background

3.1 On 27 May 2014 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant, from Brunton Miller, Solicitors, Glasgow.

- 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 (16 June to 7 July 2014). Confirmation of display of the 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), and Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland. The Community Council for Inverness Central is not currently formed.
- 3.4 Notice of the application has been sent to all the people listed under S21 (1) of the Act.
- 3.5 No objections have been received in respect of the application.

4 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. that the grant of the application will be inconsistent with one or more of the licensing objectives;
2. that 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. that 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 Licensing Standards Officer's Comments

The Premises concerned are a busy city centre lounge bar which is attached to an Hotel.

They have a satisfactory operating history and are members of the city centre Pub Watch. Compliance visits carried out by the LSO have revealed a high degree of compliance with the current legislation.

Application has been made by the Licence Holders to increase trading hours to allow operation from 11.00 hrs until 01.00 hrs Monday to Sunday in line with current Highland Licensing Board Policy.

It is the view of the LSO that should the Board be minded to approve this application there would be no adverse impact on the Licensing Objectives.

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

Existing Local Conditions applicable to this Licence will continue to apply.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/110

Date: 17 June 2014

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 December 2013 to November 2016