

The Highland Licensing Board

Meeting – 4 November 2014

Agenda Item	7.2
Report No	HLB/139/14

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

147 Pool and Snooker Centre, 34 Union Street, Inverness IV1 1PX

Report by the Clerk to the Licensing Board

Summary

HC/INBS/464

This Report relates to an application for a major variation of a Premises Licence by the Partnership of Ian Alastair Richard MacKenzie and May Harvey MacKenzie, 3 Muirfield Park, Inverness IV2 4HA.

1.0 Description of Premises

The premises are located in a central position in the city centre. Surrounding properties are mainly commercial. The premises are situated on the second floor of a three-storey mid-terraced block with retail units on the ground floor and a restaurant at first floor level.

Premises comprise a modern fitted sports bar with 6 pool tables, dart board area, two plasma TV screens and seating for 40 persons. There is a separate snooker hall housing seven snooker tables.

2.0 Current Operating Hours

Monday 1100 hours to 2300 hours
Tuesday 1100 hours to 0030 hours
Wednesday 1100 hours to 2300 hours
Thursday 1100 hour to 0030 hours
Friday 1100 hours to 0100 hours
Saturday 1100 hours to 2300 hours
Sunday 1230 hours to 2300 hours

3.0 Summary of Variation Application

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

1. Amendment to Question 5: addition of Music within core hours.
2. Amendment to On Sales hours:
Monday, Wednesday, Friday, Saturday to 0030 hours
Sunday 1200 hours to 0030 hours
3. Amendment to 6(b): 'Entry to snooker hall area only'.

4. Amendment to 6(c): 'Young persons aged 16 and 17 years will be allowed entry to the premises.

Children aged 13-15yrs and Young persons aged 16 years must be accompanied by an adult to be allowed entry to the premises.'

5. 6(e) 'Snooker Hall only (separate room with toilets, from bar area)

4.0 Background

4.1 On 22 September 2014 the Licensing Board received an application for a major variation of a Premises Licence from the Partnership of Ian Alastair Richard MacKenzie and May Harvey MacKenzie, 3 Muirfield Park, Inverness IV2 4HA.

4.2 The application was publicised during the period 29 September 2014 to 20 October 2014 and confirmation that the site notice was displayed has been received.

4.3 No notices of objection to the application or representations have been received.

4.4 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's Community Services (Environmental Health), Planning, Building Standards were consulted on the application.

No objections or representations have been received from these consultees.

4.5 Notification of the application was also sent to NHS Highland. There is no Community Council formed for this area (Central)

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. 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.

- 5.2 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.

If the Board refuses 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.

6.0 Licensing Standards Officer

The LSO has provided the following comments:-

The 147 Snooker Club is a traditional snooker/pool hall with ancillary bar facilities.

The premises have traded since transition in 2009 with a trouble free operating history. Compliance visits carried out by the LSO have revealed the Premises to be well run in accordance with the operating plan.

Application is made to vary the core trading hours of the premises to now conclude trading at 00.30 hrs on Monday, Wednesday, Friday, Saturday and Sunday; Sunday trading will now commence at midday. These changes are all within Highland Licensing Board policy hours and will not in any way effect the Licensing Objectives.

Within the operating plan at section 5, music is requested as an approved activity within licensed hours, which will cause no issue as this is solely as background entertainment for customers.

The children's policy has been amended to allow access to children and young persons to play snooker and pool. Children 13 years to 15 years are allowed access solely in the company of an adult. Young persons are permitted access unaccompanied. Access is permitted solely to the snooker hall. This policy is seen as adequate in ensuring that the fifth licensing objective is met.

The LSO is of the view that should the Board be minded to grant this variation there would be no adverse effect in respect of the licensing objectives.

7.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Statement 2013-16
- (ii) 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 conditions no longer apply, and are replaced as follows:

H/. Dartboards and any pool table will be situated in a location approved by the Licensing Standards Officer (licensing objective 2 and 5).

Recommendation

The Board is invited to determine the above application and the local condition recommended at paragraph 8.2

If the Board are 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/464

Date: 2 October 2014

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