

The Highland Licensing Board

Meeting – 31 March 2015

Agenda Item	10.3
Report No	HLB/034/15

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

The Bannockburn Inn, Stafford Street, Helmsdale, KW8 6JY

Report by the Clerk to the Licensing Board

Summary

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

1.0 Description of Premises

1.1 The premises are sited on a corner plot on the outskirts of a small rural village with a customers' car park. The premises are divided into three areas: public bar, lounge bar/restaurant area and beer garden. The lounge/restaurant is also for private functions, parties, funerals, charity events etc.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 2300 hours
Thursday: 1100 hours to 2400 hours
Friday: 1100 hours to 0100 hours the following day
Saturday: 1100 hours to 2400 hours
Sunday: 1200 hours to 2300 hours

Off sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1230 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) Increase the on-sales operating hours on Mondays to Thursdays, Saturdays and Sundays to terminate at 0100 hours the following day.

- (2) Increase the on-sales operating hours on Sundays to commence at 1100 hours and terminate at 0100 hours the following day.
- (3) Increase the off-sales operating hours on Sundays to commence at 1100 hours.

4.0 Background

- 4.1 On 14 January 2015 the Licensing Board received an application for a major variation of a Premises Licence from Alison Scott.
- 4.2 The application was publicised during the period 19 January until 9 February 2015 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:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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 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 overprovision 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 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:-

6.2 The increases to licensed hours are in accordance with Board Policy.

6.3 The variations sought are reasonable and appropriate for this type of premises and should not conflict with any of the licensing objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement 2013-16
- (iii) Schedule of Local Conditions
- (iv) 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

Retain existing local conditions.

Recommendation

The Board is invited to determine the above application.

Reference: HC/CSER/0349

Date: 11 February 2015

Author: L Gunn

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