

## The Highland Licensing Board

Meeting – 2 February 2016

Agenda Item	8.1
Report No	HLB/012/16

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

**The Glenalbyn Bar, 2-4 Young Street, Inverness IV3 5BL**

**Report by the Clerk to the Licensing Board**

### Summary

This Report relates to an application for a major variation of premises licence by Marion Anderson, 4 Bellfield Park, Inverness IV2 4SZ per Flint Bishop LLP, St Michaels Court, St Michaels Lane, Derby DE1 3HQ.

### 1.0 Description of Premises

1.1 The premises are a stone built two storey property situated on the corner of a busy through road from Fort William.

The premises consist of split lounges in one main room with games room and pool table and main bar area including small office, male and female toilets, underground cellar and storage space.

A self-contained three bedroomed flat forms the upper first floor area and is not part of the licensed area. There is a taxi rank immediately outside. Games room with coach parking area for passenger drop off.

### 2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

#### On sales:

Monday to Saturday: 1100 hours to 0100 hours  
Sunday: 1100 hours to 2400 hours

#### Off sales:

Monday to Sunday: 1100 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 terminal hour for on sales on Mondays to 0100 hours.

#### **4.0 Background**

- 4.1 On 11 December 2015 the Licensing Board received an application for a major variation of a premises licence from Marion Anderson's agent, Flint Bishop LLP, St Michaels Court, St Michaels Lane, Derby DE1 3HQ.
- 4.2 The application was publicised during the period 14 December 2015 until 04 January 2016 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. The local Community Council, Central, is not currently formed.
- 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](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:-

The Glenalbyn public house is a well run city centre bar in Inverness. It has a trouble free operating history and compliance visits have shown strong levels of compliance with the Licensing (Scotland) Act 2005.

Application has been made to extend Sunday trading to now terminate at 01.00hrs which is within the policy hours of the Highland Licensing Board.

In view of the premises good operating history and sound management practices the LSO is of the opinion that there would be no adverse effect on the licensing objectives should the Board be minded to grant the application.

## **7.0 HLB Local Policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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 no additional local conditions are considered necessary.

## 8.3 Special Conditions

No special conditions are considered necessary.

### **Recommendation**

The Board is invited to determine the above application.

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/291

Date: 8 January 2016

Author: Wendy Grosvenor

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