

The Highland Licensing Board

Meeting – 9 June 2017

| | |
|-------------|------------|
| Agenda Item | 12.11 |
| Report No | HLB/069/17 |

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

Inver Inn, Inver, Tain

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Kevin Gunn.

1.0 Description of premises

1.1 The premises were granted a premises licence, on transition, on 1 September 2009 and the licence was transferred to the current holder on 23 February 2014. The premises operate as a traditional public house with a public bar, lounge bar and games rooms.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday: 1100 hrs to 2400 hrs
Friday: 1100 hrs to 0100 hrs
Saturday: 1100 hrs to 2330 hrs
Sunday: 1230 hrs to 2300 hrs

Off sales:

Monday to Saturday: 1100 hrs to 2200 hrs
Sunday: 1230 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

1. Increase licensed hours Monday to Thursday, Saturday and Sunday to terminate at 0100 hrs the following day and, on a Sunday, to commence at 1100 hrs.

2. Increase off-sales hours on a Sunday to commence at 1100 hrs.
3. To the list of activities and services to be provided during and outwith core hours add, restaurant facilities and bar meals, receptions, club and other group meetings, music, live performances, gaming (core hours only) indoor and outdoor sports, televised sport and outdoor drinking facility. In addition charity and fundraising events may take place.
4. Amend policy for children and young persons so as to permit, at the discretion of the manager, unaccompanied young persons to be on the premises until 2200 hrs.
5. Change description of the premises so as to identify the premises as a public house.
6. Add a seasonal variation to take advantage of any period of extended hours agreed by the Board for the festive period.

4.0 Background

- 4.1 On 28 April 2017 the Licensing Board received an application for a major variation of a premises licence from Kevin Gunn.
- 4.2 The application was publicised during the period from 1 to 22 May 2017 and confirmation that the site notice was displayed is awaited.
- 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.

5.3 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 Following extensive refurbishment of the premises including the installation of a working kitchen, the applicant is now able to offer a full range of activities and services appropriate for the only on-sales licensed premises in a small village which is also popular with visitors. Some activities and services may be provided prior to 1100 hrs on any day.

6.3 The premises are located in the centre of the village directly opposite the public hall. There are nearby residential properties and there is an existing condition imposed restricting the use of the outdoor drinking for the consumption of alcohol after 2100 hrs. That condition is to remain.

6.4 The proposed hours are within Board policy and the activities and services to be provided are suitable and appropriate for this type of business. The public rooms are quite small and are unlikely to require amplification of any live music. Any live performance is expected to be in support of small functions or as a background service for customers and the applicant has completed a noise management plan to minimise the possibility of any disturbance to neighbours. It is not considered necessary to impose any condition requiring compliance with the noise management plan.

6.5 During the consultation process it was noted that a portion of ground which formerly was within the licensed area no longer falls within the title for the premises. An updated location plan has now been submitted. The sole outdoor drinking area is located at the rear of the premises.

6.6 Since the date of application the list of licensing objectives contained within the Act have been amended with effect from 15 May 2017 and objective 5 now refers to protecting children and young persons from harm. Highland Licensing Board policy does not currently contain any specific references to young persons

6.7 I am satisfied that the applicant has given due consideration to the amended objective and that permitting unaccompanied young persons to be on the premises until 2200 hrs should not conflict with the objective.

6.8 I have no cause to object to the grant of this variation application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy
- (3) Highland Licensing Board Policy Hours

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 and add;

- 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.

8.3 Special late hours conditions

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of—
 - (a) the time at which the premises next close; and
 - (b) 0500 hrs
2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of—
 - (a) the time at which the premises next close; and
 - (b) 0500 hrs or such other time as the Licensing Board may specify.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, agree the proposed change to local conditions and add a special condition as detailed at paragraphs 8.2 and 8.3 above.

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/CSR/1100
Date: 23 May 2017
Author: G Sutherland
Background Papers: The Licensing (Scotland) Act 2005/Application Form