

The Highland Licensing Board

Meeting – 1 October 2019

Agenda Item	10.7
Report No	HLB/096/19

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

The Star Inn, 8 High Street, Ardersier, IV2 7QB

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Star Inn (Ardersier) Ltd, Elm House, Cradlehall Business Park, Inverness, IV2 5GH.

1.0 Description of premises

1.1 Traditional bar and restaurant with outdoor drinking area in Ardersier High Street.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Change to description: 'The premises form a traditional licensed premises located on the High Street of Ardersier. The premises comprise a public bar and a lounge bar. There is a fully seated dining area on the ground floor accessed via the lounge bar. In addition, there is a further dining area on the second floor of the premises.

At the rear of the premises is an outside drinking area which extends over two levels.

The premises has a small car park for customers and full toilet facilities with baby changing.'

(2) Layout plans have been amended in order to incorporate restaurant areas on the first and ground floor of the premises which result in increased capacity at Section 7 of the operating plan.

The outside drinking area on the south side of the premises is now removed having become the downstairs dining area.

The outside drinking area to the rear of the premises has been extended and is now on two levels.

3.0 Background

- 3.1 On 15 July 2019 the Licensing Board received an application for a major variation of a premises licence from The Star Inn (Ardersier) Ltd.
- 3.2 The application was publicised during the period 22 July until 12 August 2019 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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://highland.gov.uk/hlb_hearings

4.0 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. 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. that 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 the same or similar description as the subject premises, in the locality.

4.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.3 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) The Star Inn, Ardersier, is a busy pub/restaurant premises situated in the centre of the village of Ardersier. The premises comprise of a public bar, lounge bar, restaurant facilities and an outside drinking area. The trading history of the premises has been sound and satisfactory.

(ii) An application has been made in order to vary the operating plan of the premises licence. Restaurant areas have been developed on the ground and first floor in order for customers to enjoy table meals served by staff. The downstairs area has capacity for 24 covers, whilst facilities on the first floor can hold 46 covers. These capacity figures have been incorporated into section 7 of the operating plan.

(iii) The LSO has visited the premises and has witnessed these changes and finds they meet the standards of the licensing objectives.

(iv) In addition, the outside drinking area has been further extended and landscaped to the rear of the property. Currently, the outside drinking area has a time limit of 2300 hours for the consumption of alcoholic and non-alcoholic beverages. In view of the area being extended and thereby increasing the capacity for its use, the LSO has recommended that the existing time limit be reduced by an hour to conclude the use for drinking to 2200 hours. In addition, a condition is recommended, preventing the playing of live or recorded music within the outside area. The LSO views this as fair and proportionate in supporting the third licensing objective, the prevention of public nuisance.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

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 will continue to apply with the exception of the condition restricting the use of the outside drinking area which should now be amended to 2200 hours.

(m) After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

7.3 Special conditions

Existing special conditions will continue to apply with the addition of:

‘The playing of amplified music, musical instruments or use of other sound producing devices shall be prohibited within the outside drinking area.’

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 7.2 and 7.3 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/INBS/381
Date: 13 September 2019
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