

**The Highland Licensing Board**

**Meeting – 20 June 2022**

Agenda Item	<b>12.1</b>
Report No	<b>HLB/055/22</b>

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

**Uncle Bob's, 1 High Street, Nairn, IV12 4AG**

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

**Summary**

This report relates to an application for a major variation of premises licence by Alhama UBB Limited, 79 High Street, Nairn, IV12 4AG.

**1.0 Description of premises**

1.1 Traditional public bar situated in High Street, Nairn, catering for locals and tourists.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Thursday: 1100 hours to 2400 hours  
Friday to Saturday: 1100 hours to 0030 hours  
Sunday: 1200 hours to 2400 hours

**3.0 Summary of variation application**

**3.1 Variation sought**

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

(1) The premises would like to take advantage of Highland Council's permitted licensing hours for opening times 11.00-01.00 hrs 7 days a week and off sales commencing at 11.00 hrs and terminating at 22.00 hrs 7 days a week. Although it is unlikely the premises will be open 100% during these times, it can be utilised where applicable for sporting events, etc.

(2) Seasonal variations to take advantage of Policy permitted Festive Hours.

(3) Yes to dance facilities.

(4) Children permitted entry until 20.00 hours rather than 19.00 hours.

#### **4.0 Background**

- 4.1 On 16 March 2022 the Licensing Board received an application for a major variation of a premises licence from Alhama UBB Limited.
- 4.2 The application was publicised during the period 28 March until 18 April 2022 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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:

[https://www.highland.gov.uk/downloads/file/6399/licensing\\_hearings\\_procedure/licensing\\_board](https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board)

#### **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. 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.

5.2 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.

5.3 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.

5.4 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

(i) Application has been made by the owners of Uncle Bob's Bar, High Street, Nairn to regularise their on and off sales hours in order to trade from 11.00 hrs until 01.00 hrs for on sales and 11.00 hrs until 22.00 hrs for off sales daily. Such a request is within the policy hours of the Highland Licensing Board.

(ii) The operating history of the premises is satisfactory with good standards of compliance. During compliance visits, the LSO has provided advice on minor housekeeping matters which have, thereafter, been addressed appropriately.

(iii) It is envisaged by the operator that on the majority of days there will be little need to operate the full complement of hours, however, flexibility is afforded to host the likes of private functions or capture the availability of weekend trade. In addition, the premises has screened many Old Firm football matches, many occurring on Sundays at midday. The grant of 11.00am hrs licensing would negate the need for repetitive extended hours applications.

(iv) Off sales provision is purely sought as an additional customer service.

(v) It is the opinion of the LSO that such a change in hours will not threaten the licensing objectives if properly managed.

(vi) During the consultation phase of the application no objections or representations were received by the Board.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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**

Existing special condition will remain in place.

#### **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/42  
Date: 1 June 2022  
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