

The Highland Licensing Board

Meeting – 6 August 2013

Agenda Item	10.8
Report No	HLB/095/13

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

The Newmarket Bar, Traill Street, Thurso, KW14 8EG

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a major variation for a Premises Licence in respect of The Newmarket Bar, Traill Street, Thurso, KW14 8EG.

1.0 Licensing History

- 1.1 The premises tendered a conversion licence under the transitional provisions in 2009.
- 1.2 A major variation application was subsequently granted on 12 June 2012 to change the premises to a Live Entertainment Venue.

2.0 Variation Details

- 2.1 The premises are now under new management and they wish to revert to operating as a public house offering the usual activities and services during core hours.
- 2.2
 - (a) The applicant seeks to amend the description of the premises to reflect the new operating practice.
 - (b) Amend operating hours and include off-sales -
On-Sale hours to be Mondays to Saturdays 1100 hrs to 0100 hrs the following day and Sundays 1200 hrs to 2400 hrs.
Off-sales hours to be 1100 hrs to 2200 hrs Mondays to Saturdays and 1200 hrs to 2200 hrs on Sundays.
 - (c) Amend the operating plan to delete dance facilities. Add gaming, receptions, club or other group meetings, music and televised sports to the list of activities and services and specify that those activities and services may take place during and outwith core hours.
 - (d) Add seasonal variation to take advantage of any extended hours for the festive period as permitted by the Board.

- (e) Remove existing entry at Q5(f) and substitute a reference to the provision of food by outside caterers.
- (f) Amend Q5(g) to remove references applicable for late night premises open after 0100 hrs.
- (g) Amend terms of entry for children of all ages and young persons to allow them entry while accompanied by an adult until 2030 hrs daily.
- (h) Remove local conditions d, f, h, l, k and p and special conditions 1 and 2 which relate to the former operation as late night premises.

2.3 The existing licensed hours for on-sales are:

1900 hrs to 0100 hrs on Mondays to Wednesdays
1900 hrs to 0300 hrs on Thursdays to Saturdays, and
1600 hrs to 2400 hrs on Sundays

There are no off-sales hours.

3.0 Process

3.1 Following receipt of the application which has been accompanied by statutory fee:

3.2 A notice of the application together with a copy thereof has been sent to Police, Fire, Environmental Health, Planning, Building Standards, Licensing Standards Officer and NHS's Director of Public Health. The local Community Council were also notified.

3.3 The Chief Constable has a period of 21 days to give notice that either the applicant or any connected person has been convicted of any relevant offence or foreign offence. It is also open to the Chief Constable in the event of giving such a conviction to recommend that the application be refused for the purposes of crime prevention objection that is the prevention of crime and disorder.

3.4 The Board has advertised the application on the Council's website for a period of 21 days and the applicant displayed the Notice on site for the same period.

3.5 The Applicant and the Board have complied with all the statutory formalities and there are no objections or representations. The Licensing Standards Officer has also commented and any amendments proposed have been incorporated into the operating plan or are recommended as conditions.

4.0 The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement

(iii) The Highland Licensing Board combined Equality Scheme

5.0 The Members will note that the following is a summary of the Board's powers and if required more specific advice will be offered.

5.1 Grounds For Refusal

Relevant grounds of refusal may be:-

1. The premises are excluded premises.
2. The grant of the application will be inconsistent with one or more of the licensing objectives.
3. Having regard to; (i) the nature of the activities 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, if the Board considers the premises are unsuitable for the sale of alcohol.
4. Having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

5.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted.

6.0 Licensing Standards Officer's Comments

6.1 The proposed variations are reasonable and appropriate for the operation of these premises as a public house in the traditional sense. I have no cause to object to the grant of the application.

7.0 Local Conditions

It is suggested that the under-noted conditions be imposed.

(a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hrs except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.

(b) Whilst in any room with a bar counter all children must be in the company of, or supervised by, an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises when not in the bar areas.

(c) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

(j) Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.

Special Condition

1. 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 Festive 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.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1168

Date: 10 July 2013

Author: Iona Cook

Background Papers: The Licensing (Scotland) Act 2005

Appendix: None