

The Highland Licensing Board

Meeting – 1 October 2013

Agenda Item	8.1
Report No	HLB/113/13

Application for the Provisional Grant of a Premises Licence under the Licensing (Scotland) Act 2005

Report by the Clerk to the Licensing Board

Summary

Ref: HC/INBS/554

This Report relates to an application for the Provisional Grant of a Premises Licence for:

Premises: Pockets (formerly Rileys) 55-67 Castle Street, Inverness IV2 3DU

Applicant: Ali Raza Mohammed, 18 Wimberley Way, Inverness IV2 3XL per Lorna Murray, 45 Culduthel Road, Inverness

1 Background

1.1

This is an application for a provisional premises licence. The application is for a Snooker club occupying the ground and first floor of a semi-detached building in a retail/commercial area in Inverness city centre and offering On Sales only.

The premises was previously licensed as a snooker club and known as Rileys.

1.2

On 17 July 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant's agent, Lorna Murray, 45 Culduthel Road, Inverness IV2 4HQ.

The application was accompanied by the necessary Section 50 Certification in terms of Planning and the statutory fee.

1.3

The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (29 July 2013 to 19 August 2013). Confirmation of site note has been received.

1.4

In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, and the Council's Planning Office were consulted on the application.

Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.

1.5

A notice of the application has been sent to and all the people listed under S21(1) of the Act.

No objections or representations have been received.

2. Legislation

2.1 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 ground 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, 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.
3. Having regard to the number and capacity of licenced 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.

2.2 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.

3. Summary of Application

On Sales

Monday to Saturday – 11.00 hrs to 01.00 hrs

Sunday 12.00 Noon to 24.00 hrs

4. Policies

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board combined Equality Scheme

Schedule of Local Conditions

5 Licensing Standards Officer's Comments:

The Premises formerly operated as a bespoke snooker and pool club with associated bar facilities from transition until early 2013 when the former Licence Holders went into Receivership.

The Premises have been inspected by the LSO and are much the same as under the former Licence. They are suitable for the sale of alcohol; the presence of children and young persons as detailed within the Children's Policy will be in line with the fifth Licensing Objective concerning the protection of Children from harm.

The hours applied for are within the Policy Hours stated within the current Highland Licensing Board policy statement and will cause no issue in respect of the Licensing Objectives as the Premises are situated within a commercial district of Inverness and the range of activities and services proposed within Section 5 of the Operating Plan are unlikely to give rise to issues of public nuisance.

The former operating history of the Premises was trouble free.

For several weeks the Premises have been functioning under the authority of Occasional Licences without any issues.

5.1 Local Conditions

c). Children must not sit or remain at the bar counter at any time.(Protection of Children from harm).

6.0 Mandatory Conditions

6.1 If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

7 Recommendation

The Board is invited to determine the above application. .

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS/554

Author: Wendy Grosvenor

Date: 30/08/2013.

Background Papers: The Licensing (Scotland) Act 2005