

The Highland Licensing Board

Meeting – 1 October 2013

Agenda Item	9.1
Report No	HLB/116/13

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

The White House (formerly the Corner Grill), 50 Union Street, Inverness IV1 1PX

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/307

This Report relates to an application for a major variation of Premises Licence.

Premises: The White House (formerly the Corner Grill), 50 Union Street, Inverness IV1 1PX

Applicant: Inverness Pub Company Ltd, 27 Huntly Street, Inverness IV3 5PR per Lorna Murray 45 Culduthel Road, Inverness IV2 4HQ

1 Description of Premises

The premises currently operate as a Restaurant with a small bar area for public use, offering on sales only.

2 Summary of Variation Application

2.1 Variation Sought

Amend On Sale Hours:

Mon-Sat 11.00 hrs to 01.00 hrs (previously 12.00 hrs to 24.00 hrs)
and Sunday 12.00 hrs to 24.00 hrs (previously 12.30 hrs to 23.30 hrs)

Seasonal Variations: add- 'The premises shall seek to operate any period of extended hours offered by the Highland Licensing Board such as festive extensions'.

Add Club or other Group Meetings to the list of Activities.

Amend Children's and Young Persons policy to allow Children and Young Persons to be present in the premises until 22.00 hrs daily provided they are accompanied by an adult. Children and Young Persons will be entitled to remain on the premises after 22.00 hrs (provided they are accompanied by an adult) for the duration of private functions or for the purpose of viewing live entertainment or for the purpose of taking a meal.

Amendment to layout plan.

Amendment to description: 'Cocktail Lounge and Bistro occupying part of the ground floor of a 3-storey city centre tenement.'

Change of name to: The White House.

3 Background

3.1 The premises are licensed for on sales and were converted from the 1976 Act.

On 21 August 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, Lorna Murray.

3.2 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 (2 September to 23 September 2013). A verbal update on display of site notice will be given at the meeting.

3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application. Comments have been received from Building Standards by email dated 27 August 2013 (appendix 1)

Notification and a copy of the application have been sent to NHS Highland. There is no Local Community Council formed for Central.

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

3.5 No objections have been received in respect of the application.

4 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, if 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 (i) 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 over provision of licensed premises or licensed premises of that description in the locality.

- 4.2 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 as modified.

5 Licensing Standards Officer's Comments

The application seeks to modernise the core hours of the Premises to maximise its trading hours from Monday to Saturday, 11am to 1am and on Sunday's 12.00 midday until 24.00 midnight. This change is to capitalise on a shift in emphasis within the operating plan from purely a food led venue to a cocktail lounge and bistro. The hours requested are within those maximum hours currently permitted within the Highland Licensing Board's Policy statement. Several nearby City Centre Premises have like hours; the Premises in question have had a trouble free operating history.

The seasonal variation section of the Operating Plan now seeks to include a generic statement allowing participation in any period of extended hours (such as the Festive Policy Period) that maybe operated by the Highland Licensing Board. Several Premises have included this within recently submitted operating plans and pending the observance of the recommended condition the LSO sees no issue in this request.

The Children and Young Person's policy seeks to be amended to allow more access by such persons when attending the premises and dining in the company of an adult. The policy in the view of the LSO is robust enough to ensure compliance with the fifth Licensing Objective.

Lastly the facilities of the Premises have been upgraded to create a bespoke bar area, improved kitchen, floor layout with raised area, toilet facilities and beer storage. These proposed changes have been passed to Building Standards who have made no adverse submissions. The capacity of the Premises remains unaffected.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

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

a). Children under the age 16 are excluded from any room where there is a bar counter after 22.00 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. (Objective 5, Protection of Children from harm.)

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. (Objective 5, Protection of Children from harm.)

c). Notwithstanding conditions(a) and (b) children must not sit or remain at the bar counter at any time.(Objective 5, Protection of Children from harm.)

7.3 Specific Condition(s)

The Licence Holder shall submit to the Board and to Northern Constabulary prior to 1st 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 Northern Constabulary in accordance with this condition.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/307

Date: 26 August 2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form.

Appendix 1: Representation from Building Standards.

From: Scott Willox
Sent: 27 August 2013 08:32
To: Licensing
Subject: RE: application for major variation The White House Inverness

Morning Wendy,

The only comment Building Standards would make in relation to the above application is that the proposed works noted in Section 3c of the application form are subject to requiring Building Warrant approval which to date we do not appear to be in receipt of an application.

Kind Regards,

Scott

Scott Willox
Principal Building Standards Surveyor
2nd Floor Kintail House Beechwood Business Park
Inverness IV2 3BW
Tel – 01463 255189

Please complete our customer survey by clicking the link below:

http://www.surveymonkey.com/s.aspx?sm=M79ZtIOW5oe5Fj9xeqHyqQ_3d_3d

-----Original Message-----

From: Wendy Grosvenor
Sent: 22 August 2013 12:05
To: POLICE EMAIL (liquorlicensing@northern.pnn.police.uk); Scott Willox; EHOs Inverness; Fire B & S area; Fire Inv.; Planning Technical - Inverness; POLICE EMAIL (HighlandIslandLicensing@Scotland.pnn.police.uk)
Subject: application for major variation The White House Inverness

-----Original Message-----

From: PRN01150 [mailto:A0959652@xerox.org]
Sent: 22 August 2013 12:56
To: Wendy Grosvenor
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Number of Images: 13
Attachment File Type: PDF

Device Name: PRN01150
Device Location:

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