

The Highland Licensing Board

Meeting – 05 November 2013

Agenda Item	11.4
Report No	HLB/129/13

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

The Kings Highway, 72-74 Church Street, Inverness IV1 1EN
Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/ 110

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

Premises: The Kings Highway, 72-74 Church Street, Inverness IV1 1EN

Applicant: JD Wetherspoon (Scot) Ltd Wetherspoon House, Reg.Address: c/o Brunton Miller, 22 Herbert Street, Glasgow G20 6NB

1.0 Description of Premises

The premises are located in the centre of Inverness in an area primarily commercial usage. They operate On and Off Sales

1.1 Current Core Operating Hours

On Sales:

Mon – Wed & Sat 11.00 hrs to 24.00 hrs

Thurs, Fri, 11.00 hrs to 01.00 hrs

Sunday 12.30 hrs to 24.00 hrs

Off Sales:

Mon. to Sat 11.00 hrs to 22.00hrs

Sunday 12.30 hrs to 22.00 hrs

2.0 Summary of Variation Application

2.1 Variation Sought

1. Variation to commencement time for On Sales Sundays to be amended to 11.00 hrs and terminal Hour to 01.00 hrs
2. Variation to commencement time for Off Sales Sundays to be amended to 10.00 hrs.
3. Amendment to Children's policy: Young Persons allowed unaccompanied until 23.00 hrs. Children require to be accompanied by an adult at all times. All Children and Young Persons permitted on the premises until 23.00 hrs whether resident or non-resident. In the case of a private function they may be permitted for the duration of the function at management discretion.

3.0 Background

- 3.1 On 27 August 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, Brunton Miller, Herbert House, 22 Herbert Street, Glasgow, G20 6NB.
- 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 (30 September to 21 October 2013). Confirmation of site notice has been received.
- 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.
Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.
- 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.

4.0 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, 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.

5.0 Licensing Standards Officer's Comments

The Kings Highway is a busy Town Centre Lounge Bar in Inverness with accommodation attached.

The Premises has a long operating history and it has been run well without adverse reports received by the Board or Police. Inspection visits carried out in the past by the LSO have revealed good systems of compliance with the terms and conditions of the Alcohol Premises Licence.

The hours applied for are within the Board's new policy adopted by the Board on 1 October, 2013.

It is also requested that the off sales hours commence at 10.00am on Sunday's which aligns to the already approved Monday to Saturday hours as it allows guests the ability to purchase alcohol to take away with them during the day. Sales and demand are likely to be small. Again it is envisaged that no adverse effect will be caused to the Licensing objectives.

Lastly amendment has been made to the Children's Policy within the Operating Plan. Young Persons are requested to have unsupervised access until 23.00hrs to cover meal provision. Thereafter Children and Young Person's will not be allowed within the bar area whether resident or non resident from 23.00hrs, reflecting that the Premises become a busy "wet sales" venue later in the evening. This in the view of the LSO meets the requirements of the fifth Licensing Objective concerning protecting Children from harm.

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

The existing Local Licensing Conditions should continue to apply.

Recommendation

The Board is invited to determine the above application, noting that the application is within the policy adopted by the Board on 1 October 2013 as the Board's new policy for 1/12/13 to 30/11/2016.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/110

Date: 27 September, 2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form. The Licensing Board Policy Statement 1 October 2013 to 30 November 2016.