

## The Highland Licensing Board

Meeting – 17 December 2013

Agenda Item	9.9
Report No	HLB/160/13

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

The Exchange, 38-40 Academy Street, Inverness IV1 1JT

#### Report by the Clerk to the Licensing Board

##### Summary

REF: HC/INBS/383

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

**Premises:** The Exchange, 38-40 Academy Street, Inverness IV1 1JT

**Applicant:** Greene King Brewing and Retailing Ltd, per Belhaven Pubs, Atrium House, 6 Back Walk, Stirling FK8 2QA

## 1 Description of Premises

End of terrace 2 storey building located on Academy Street in the city centre.

The Public House consists of a Lounge bar, kitchen, disabled toilet, cellarage, office and storage. On the first floor there is a Gents and Ladies toilets and staff facilities.

The Public House sells alcohol, both on and off premises, hot and cold beverages, and hot and cold food.

### 1.1 Previous Core Operating Hours

#### On Sales:

Mon. to Sat. 11.00 hrs to 01.00 hrs

Sunday 12.00 hrs to 24.00 hrs

#### Off Sales:

Mon. – Sat. 11.00 hrs to 22.00 hrs

Sunday 12.00 hrs to 22.00 hrs

## 2 Summary of Variation Application

### 2.1 Variation Sought

1. Variation to On Sales Sundays from 11.00 hrs to 01.00 hrs.
2. Variation to Off Sales Sunday from 11.00 hrs.

### **3 Background**

- 3.1 On 29 October 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, Belhaven Pubs, Atrium House, 6 Back Walk, Stirling FK8 2QA
- 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 (4 November to 25 November 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. No Community Council is currently formed for the area.
- 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

Following the publication of a new Policy Statement for 2013-2016, the Highland Licensing Board has allowed provision for Sunday core hours for on sales to commence from 11.00 hrs and terminate at a maximum for non "Late Hours Premises" at 1.00 hrs.

Accordingly the Applicants have now sought to take advantage of this extension in hours for their on sales trade and would also seek to allow off sales to commence from 11.00 hrs.

The Premises is a well established city centre Premises with a trouble free operating history. A substantial part of their business is food led. Inspections carried out in the past by the LSO have indicated a high level of compliance and strong adherence to their operating plan. Particularly in the early part of trading the Premises are a popular family eatery offering family meals prominently promoted and the ability to provide ancillary alcohol sales from 11.00am is seen as an extension of customer service particularly for foreign visitors in the summer.

Should the Board be minded to grant this variation the LSO is of the opinion that there will be no threat to the Licensing Objectives.

## 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 conditions are seen as adequate to meet the Licensing objectives.

## 8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/383

Date: 28 October, 2013

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 October 2013 to November 2016