

## The Highland Licensing Board

Meeting – 17 December 2013

Agenda Item	9.10
Report No	HLB/161/13

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

Glenalbyn Bar, 2-4 Young Street, Inverness IV3 5BL

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

##### Summary

REF: HC/INBS/291

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

**Premises:** Glenalbyn Bar, 2-4 Young Street, Inverness IV3 5BL

**Applicant:** Marion Anderson, 4 Bellfield Park, Inverness IV2 4ASZ per Harper MacLeod Solicitors, 45 Gordon Street, Glasgow, G1 3PE

## 1 Description of Premises

The premises are a stone built two storey property situated on the corner of a busy through road from Fort William and a few minutes' walk across the River Ness.

The premises consist of split Lounges in one main room with Games Room & Pool Table and Main Bar area including small office, male and female toilets, underground cellar and storage space.

A self-contained three bedroomed flat forms the upper first floor area and is not part of the licensed area. There is a taxi rank immediately outside the Games Room with Coach Parking area for passenger drop off.

### 1.1 Present Core Operating Hours

#### On Sales:

Mon. to Sat. 11.00 hrs to 01.00 hrs

Sundays 12.00 hrs to 24.00 hrs

#### Off Sales:

Mon. to Sat. 11.00 hrs to 22.00 hrs

Sundays 12.00 hrs to 22.00 hrs

## 2 Summary of Variation Application

### 2.1 Variation Sought

1. Variation to operating plan to show that bar meals will be available.
2. Variation to operating plan to show outdoor drinking facilities will be made available.
3. Addition of an outdoor drinking area to be included in the licensed area.

- 4. Variation to On Sales Sundays from 11.00 hrs.
- 5. Variation to Off Sales Monday to Sunday from 10.00 hrs

### **3 Background**

- 3.1 On 5 November 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, Harper MacLeod Solicitors, 45 Gordon Street, Glasgow, G1 3PE
- 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 (11 November to 2 December 2013). Confirmation of this 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. There is no Community Council formed for this 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**

The Glenalbyn Bar is a city centre licensed premises situated at the junction of Huntly Street and Young Street, Inverness. It is well run and has a trouble free operating history.

On several occasions the LSO has conducted compliance visits in respect of the licensing requirements and consistently the premises have shown a high level of compliance.

Within the variation application is a request to be allowed to alter core hours on a Sunday to permit trading from 11.00hrs until 01.00hrs this is in line with the Policy Hours stated within the new Policy Statement adopted by the Highland Licensing Board. No compromise is envisaged to the licensing objectives should the Board be minded to grant this application.

The Premises also request the facility to sell off sales from 10.00hrs each day. It is hard to see the need for such a facility and although application has been made to add bar meals to the Operating Plan this is not to occur outside licensed hours so there seems nothing to suggest that the Premises will be open out with core their current core hours other than to supply carry outs to persons calling at the Premises pre 11.00hrs.

The addition of "bar meals" to the range of permitted activities causes no issue and is a welcome addition and in some ways supports the ethos of the fourth Licensing Objective in respect of Public Health.

Lastly the application also seeks to extend the licensing footprint of the Premises by inclusion of an outside drinking area on the pavement outside the Premises. The necessary Pavement Permit has been declined to be issued by the Council's TEC Services Department although this may change once the ongoing flood prevention works are completed. In this respect the Board may wish to either defer the application or grant the variation with a condition that the outside drinking area would only come into effect following the issue of the necessary Pavement Permit.

## **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

Existing local conditions should continue to apply.

Should the Board be minded to grant the variation pertaining to the out-door drinking area at this time then Local Premises Licence Conditions C, K L and M taken from the agreed Local Conditions list may apply.

### **8 Recommendation**

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/291

Date: 13 November, 2013

Author: Wendy Grosvenor

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