

The Highland Licensing Board

Meeting – 17 December 2013

Agenda Item	9.11
Report No	HLB/162/13

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

The Keg, 30-32 Baron Taylor Street, Inverness IV1 1QG

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/07

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

Premises: The Keg, 30-32 Baron Taylor Street, Inverness IV1 1QG

Applicant: Scott Allan Murray, 15-6 West Tollcross, Edinburgh EH3 9QN per Lorna Murray, 45 Culduthel Road, Inverness IV2 4HQ

1 Description of Premises

The premises occupy the ground and basement floors of a 2 storey terraced building in the city centre offering on and off sales of alcohol.

1.1 Previous Core Operating Hours

On Sales:

Mon. to Sat. 09.00 hrs to 23.00 hrs

Sunday 12.30 hrs to 23.00 hrs

Off Sales:

Mon. to Sat. 10.00 hrs to 22.00 hrs

Sunday 12.30 hrs to 22.00 hrs.

2 Summary of Variation Application

2.1 Variation Sought

1. Variation to On Sales Hours:

Monday to Saturday 08.00 hrs to 22.00 hrs. Sundays from 11.00 hrs.

2. Variation to Off Sales Hours:

Sundays from 11.00 hrs.

3. Substitution of New Premises Manager (with immediate effect)

3 Background

- 3.1 On 4 November 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, Lorna Murray, 45 Culduthel Road, Inverness IV2 4HQ.

- 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 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. 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
- An objection has been received on 2 December 2013 from the Director of Public Health.
 - An observation has been received from the Chief Inspector Police Scotland, dated 14 November 2013.
 - A Petition in support of the application was received on 2 December 2013.

The applicant, Chief Inspector and the objector have been sent copies of correspondence and invited to attend the meeting.

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.

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 on Sundays from 11.00 hrs.

In addition the Applicants have sought to advance their core on sales hours from Monday to Saturday to commence from 08.00hrs. Since transition to the new Licensing Act in September, 2009 the Premises have enjoyed "early opening status" and have core hours on a Monday to Saturday commencing from 09.00hrs. This has given no adverse issues and during routine licensing inspections carried out by the LSO the Premises have always been orderly and well run.

The current Board Policy has been developed in terms of "early opening" in line with the fourth Licensing Objective concerning Public Health and to depart from Policy to even earlier opening hours would potentially conflict with the ethos of this Objective; after all the Government in fashioning the new Legislation moved the opening time of off sales from 08.00am.

The Premises are very much a "man's" bar with no Children or Young Persons access. They are well run and are members of the Inverness Pub Watch.

In the Opinion of the LSO the advance in respect of Sunday opening hours will not cause any adverse impact on 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

Existing Conditions are sufficient to maintain the Licensing Objectives.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/07

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

Appendices:

- Objection dated 2 December 2013 received from the Director of Public Health
- Observation has been received from the Chief Inspector Police Scotland, dated 14 November 2013.
- Petition in support of the application was received on 2 December 2013.



REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

1. Full Name and Address of person making objection/representation:

Dr Margaret Somerville Director of Public Health Assynt House Beechwood Drive IV2 3BW	
Telephone Number:	Tel: 01463 704926
Email Address:	margaret.somerville@nhs.net

2. Address of Premises in respect of which objection / representation is made:

The Keg 30-32 Baron Taylors St Inverness IV2 1QG

3. Details of any **OBJECTION**: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
1.	Excluded Premises	3 and 5. NHS Highland recognises that alcohol is an integral part of Highland life and associated businesses provide work and bring money in to the economy and that when used sensibly, alcohol can make a positive contribution to communities. However, there are numerous negative impacts resulting from alcohol not being used sensibly and NHS Highland recently collaborated with Highland Licensing Board to produce an Overprovision Statement. This statement recognises the links between the availability of alcohol, excessive consumption and associated harms. The approach is
	Off-Sales Hours/24 hour drinking	
3.	Licensing Objectives	
4.	Activities/Premises/Customers	
5.	Over Provision	

		<p>straightforward; through reducing consumption, the harms to individuals and communities can be reduced and one way of doing this, is to reduce the availability of alcohol.</p> <p>Earlier this year, NHS Highland conducted a consultation exercise to gauge the public's views on overprovision. 600 people responded with 71% stating; there are enough places selling alcohol in the area where they live. This survey covered premises that sell alcohol on and off sale. Furthermore we know from the Scottish Health Survey that the proportion of individuals drinking above daily and/or weekly recommended limits, 2008, 2009, 2010, 2011, aged 16 and over, is 49% for men and 39% for women.</p> <p>Although the Overprovision Statement focuses on off-sales, NHS Highland also recognises that extending licensing hours can contribute to increasing the availability of alcohol and therefore the associated risk of harm.</p> <p>Given the views of the public about the availability of alcohol, the amount of alcohol consumed, harm caused by alcohol and the continual normalisation through general sales NHS Highland recommend the Licensing Board does not support this application.</p> <p>NHS Highland, therefore, recommends that the Licensing Board agrees a license for 10.00hrs - 22.00hrs Monday to Saturday and 12.30hrs - 22.00hrs Sunday and does not support earlier opening times.</p>
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4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1.	in support of application
2.	seeking an amendment to the operating plan, or
3.	seeking to add additional conditions to the licence

Signature...

..... **Date.....2 December 2013.....**

14 November 2013

Your Ref: NC/INBS/2807
Our Ref: NN33125/13



**POLICE
SCOTLAND**
Keeping people safe

Clerk to the Highland Licensing Board:
Alasdair MacKenzie
Chief Executive's Office
The Town House
Inverness
IV1 1JJ

Highlands & Islands Policing Division
Divisional Co-ordination Unit
Divisional Headquarters
Old Perth Road
INVERNESS
IV2 3SY

01463 720230

Mark.mackay@scotland.pnn.police.uk

RECEIVED
07 NOV 2013

Dear Sir

**HIGHLAND LICENSING BOARD –
INVERNESS, NAIRN, BADENOCH & STRATHSPEY DIVISION
APPLICATION: VARIATION OF PREMISES LICENCE
APPLICANT: SCOTT A. MURRAY
PREMISES: THE KEG, 30-32 BARON TAYLOR STREET, INVERNESS IV1 1QG**

I refer to correspondence received here on 4 November 2013 and can advise that there are Police observations in relation to this application:

Observation – The commencement hour of 0800 for this type of premises is outwith Board policy.

Yours sincerely

PM Mark Mackay
Chief Inspector
Divisional Co-ordination Unit





Petition of support in relation to an 8am opening at
The keg Bar, 30-32 Baron Taylors Street, Inverness, IV1 1QG.

We the undernoted fully support the application on behalf of the Keg whereby an opening time of 8am has been requested.

Name	Address	Shift Worker (y/n)	Employer (Optional)	Signature
A. MACLEOD	75 HORE STREET, INVERNESS	YES		
J. COVARY	24 INESS ST INVERNESS.	YES.		
J. COVARY	21 ROBINSCATE INVERNESS	YES		
S. MACLEOD	INU.	YES		
C. MACLEOD	139 BENWLA RD INVERNESS	NO		
R. LYAL	24 DUNN/C	YES		
B. ADAMIE	187 BALLOAN RD	YES		
M.A. POWERS	NO	"		
R. BIRKHEAD	MILE-END TOWER	YES		
JOHN MACDONALD	15 ARGYLE ST INVERNESS	YES.		
G. MCNEILL	54 LOCH AVE	YES		
B. NEVILLE	46 CULLODEN	YES		
D. BROWN	33 DINGWALL ROAD	YES		
G. Hextley	KITTARITY	NO		
R. MACLEOD	Davidson's Inverness	NO		
R. Macleod	NAIRN	NO		
J. Dalmergh	Dalmergh	YES		



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Name	Address	Shift Worker (y/n)	Employer (Optional)	Signature
Real Food	18 FALCONER COUS	OCCASION	REAL	
D JACK	26 ASSYNT RD	NO		
A. LANGLEN	49 WILKES PLACE	YES		
A. McLAGGAN	29 HARRIS ROAD	NO	RETIRED	
ES MONTGOMERY	7 OLOTON PLACE	YES		
Heather Neave	7 Station View	NO	DD	
SOO LYON	161 INVERGORDEN	NO	GLOBAL	
Grant Murray	9 POST OFFICE AVE.	NO		
Jan Campbell	ESK ROAD	NO		
J. Anderson	KINGS MILL RD	YES		
K. TEDSTOCK	TOLVON AV	yes		
J CLAIN	DINGWALL	YES		
D. DYKER	INVERNESS			
P SIMISON	27 GLEBE ST INVERNESS			
D. ANDRIAS	FLAT 3 THE BYRE, CROMARTY			
L. Numbly	30 MERCURY INVERNESS			
D. Sutherland	30 MERCURY INVERNESS			



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Name	Address	Shift Worker (y/n)	Employer (Optional)	Signature
IZZIE AKGUL	The Cottage, MILTON OF PARR, Inverness	N		
B. GLASS	C/O KEG	Y	ME	
A. CUMINGS	MILTON.	YES.		
Ross	C/O KEG	YES.		
P. Langley	10016 TEMPLE CRESCENT, INVERNESS	Yes		
P. GOSWAMI	Church Street	YES.		
A. W. BRUCE	C/O KEG	NO		
DAVE MESHER	C/O KEG	NO		
GLENN BEATON	DRUID ROAD	YES		
ANITA GRAHAM	103 MACVAU RD.	YES		
JAMES S. JOHNSON	4 PEDESTRIAN WAY	YES	FIRST SCOTLAND	
Stephen Brown	94 Bostonway Blackpool	NO		
J. BROADFOOT	ST Valey Ave	YES		
John Ferguson	62 SPRINGFIELD RD.	NO		
W. G. GIBSON	2 MAXWELL'S WAY	YES	OFFSHORE	
G. BIRNIE	(MILTON) LODGE	NO	SELF	
M. SMITH	96 SMITHTON PARK	Yes	LIFE SCAN	



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Name	Address	Shift Worker (y/n)	Employer (Optional)	Signature
John Hargreaves	87B Toward Hill Crescent	Y	Lifescan	
W. CHANKE	29 Earl Duthart	N/A	UNKNOWN	
W. CHANKE	29 Earl Duthart	N/A	SELF	
L.G. Morrison	61 Millaton Avenue	nights		
C. MACRAE	58 Kintail Cres	nights		
J. Foy	" " "	nights		
J. MACRAE	4 Craigroy N/Kowak	nights		
K. REAT	17 BROADNESS INV	N/A		
D. MACRAE	10 TELFORD RD	N/A		
P. MURDOCH	19 WESTER WISHES.	NIGHTS		
KOP GERRIES	64 Kintail Cres	nights		
JOE MURDO	105 ROSEHAYKILL	NIGHTS		
E. TODD	54, St. Iren Way	nights		
A COLE	40 DELL ROAD	nights		
D. MORRISON	30 DEYNE AVENUE	N/A		



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Name	Address	Shift Worker (y/n)	Employer (Optional)	Signature
A. BRADLEY	31 ATTADALE RD INVERNESS	YES		
J. Macleod	17 WOODWARDS VIEW INVERNESS	YES		
C. HUTCHISON	BALMORISTRAK	YES	ARCADE	
MARK GRAHAM	CASTLE MEATHYCK	YES		
DAVE NOBLE	7 KINTAIL CRAG	YES		
J. ROBERTSON	16 ASHTON RD	YES	R/MALL	
J Pearce	14 CREAG DHUBH KIMMILIES	YES		
G CAMPBELL	3 PUMPEL STREET INVERNESS	NO	SERIMAX	
J. M. Yell	53. BALMORISTRAK INVERNESS	YES		
D. Murray	31 Mackenzie Rd	YES		
J. Murray	13 Hawthorn Dr	YES		
CAMPBELL	104 FAIRFIELD ROAD	YES		
Kate McGowan	29 Kestrel Road	YES		
M. T. Innes	90 Balrober House	11		
STEPHEN WATKINS	32 RUTHVENHALL VIEW HUNTINGWOOD SEC FIELDS PERTH	No.		
IAN CRAIGHEAD	45 DRUMMOND RD, INVERNESS	YES		
D. GREER	OLD POST OFFICE, M4	YES		



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Name	Address	Shift Worker (y/n)	Employer (Optional)	Signature
Sam Broogham	Baron Taylors	Y		
Barry Smith	" "	Y		
Pauline Kesh	" "	Y		



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Name	Address	Shift Worker (y/n)	Employer (Optional)	Signature
A SINCLAIR	WILLOW AVE, INVERNESS	Y	—	
R-BARCLAY	HEATHER RD, INVERNESS	Y	ICR	
J. Gourlay.	St. Fergus Dr. Inverness	Y	Self Employed	
T Bowman	cloverfield Park	Y	ICR	
H. MACKIE	84 SPRINGFIELD Gdns	Y	CAM SOLWERY	
C. MACKIE	CHARLES STREET	Y	CAM SOLWERY	
Emma Milne.	MILTON CRESENT	Y	CARD FACTORY	
J. RICHMOND.	KINTAIL CRESENT	Y	—	
G SEANEY	HILTON	Y	—	
E Armstrong	Kirkhill	Y		
A McBeath	Drummond Road	Y	—	
L MacDonald	Drynie Ave.	Y	—	
N Teacy	Balloan Road	Y	—	
S Williams	B-7R	Y	—	
K. HATHERSON	K. Hatherston	Y	—	
R. MacKenzie	R. MacKenzie	Y	self employed.	
A. MCIVER	A. McIver	Y	—	



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Name	Address	Shift Worker (y/n)	Employer (Optional)	Signature
Sammy	24 Leyton Dr	N	-	
David	30, Muckin' Close	N		
Wia	30, Muckin' Close	N	/	
Colin	12 Glenbaird Pl	N	/	
S MILNE	INVERNESS	Y	-	
SPOCOCK	6 Bught dr	Y	/	
NIEL	90 DOWS	Y	Yes	
SPENCER	54 STATHUSPEN AVE AULMOR INVERNESS-SHIRE.	N	-	