

The Highland Licensing Board

Meeting – 17 December 2013

Agenda Item	9.12
Report No	HLB/163/13

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

The Mallard, Station Square, Dingwall, IV15 9JD.

Report by the Clerk to the Licensing Board

Summary

REF: HC/RSL/0559

This report relates to an application for a major variation of premises licence.

Premises: The Mallard, Station Square, Dingwall, IV15 9JD

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

1 Description of Premises

The premises are situated at Dingwall Railway Station and back directly onto the platform. The building is single storey and comprises of: a lounge bar with central bar area, a fixed seating and restaurant area with tables and chairs and a kitchen area at the north end of the building. Apart from wet sales, food service is an integral part of the operation.

The premises have an outside drinking area which borders the Station platform and the premises are particularly popular on football match days due to their proximity to the Ross County Football Ground.

The premises sell alcohol both on and off the premises, hot and cold beverages and hot and cold food.

1.1 Exiting core operating hours

On Sales:

Monday to Saturday – 1000 hrs to 0100 hrs

Sunday 1200 hrs to 0100 hrs

Off Sales:

Monday to Saturday 1000 hrs to 2200 hrs

Sunday 1100 hrs to 2200 hrs

2 Summary of variation application

2.1 Variation sought:

Variation to on-sales hours on Sunday to open from 1100 hrs .

3 Background

- 3.1 On 8 November 2013 the Licensing Board received an application for a major variation of a premises licence on behalf of the applicant's agent, Adrian Howlett, Belhaven Pubs, Atrium Walk, 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 (12 November 2013 to 3 December 2013). Confirmation of display of the site notice has been received
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish 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 has been sent to NHS Highland and to the local Community Council.
- 3.4 A notice of the application has been sent to 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 1100 hrs and terminate at a maximum for non "Late Hours Premises" at 0100 hrs.

Accordingly the applicants have now sought to take advantage of this extension in hours for their on sales trade.

The premises are a well established Dingwall Town Centre premises which is well managed and are a strong member of the local Pub watch scheme. 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 which are prominently promoted. The ability to provide ancillary alcohol sales from 1100 hrs is seen as an extension of customer service particularly for football supporters and on occasions early kick off's and 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

Existing local conditions are seen as adequate to meet the Licensing objectives in the opinion of the LSO.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/0559

Date: 04 December 2013

Author: Catherine MacLennan/Ian Cox

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

Licensing Board Policy Statement from 1 October 2013 to November 2016