

The Highland Licensing Board

Meeting – 17 December 2013

Agenda Item	9.13
Report No	HLB/164/13

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

Crown Bar, 95 High Street, Wick

Report by the Clerk to the Licensing Board

Summary

Ref: HC/CSER/0078

Premises: Crown Bar, 95 High Street, Wick

Applicant: Wendy L Campbell

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

1.0 Description of Premises

1.1 The premises tendered a conversion licence under the transitional provisions in 2009. The premises are licensed as a public house in the centre of Wick.

1.2 Current Core Operating Hours

On Sales:

Monday to Thursday 1100 hrs to 2400 hrs

Friday and Saturday 1100 hrs to 0100 hrs

Sunday 1100 hrs to 2345 hrs

Off Sales:

Monday to Saturday 1100 hrs to 2200 hrs

Sunday 1230 hrs to 2200 hrs

2.0 Summary of Variation Application

- 2.1**
1. Variation to On Sales Hours: Monday to Sunday 1100 hrs to 0100 hrs
 2. Variation to Off Sales Hours: Sunday 1100 hrs to 2200 hrs.
 3. Amend seasonal variation to take advantage of any extended hours for the festive period as permitted by the Licensing Board.

3.0 Background

3.1 On 24 October 2013 the Licensing Board received an application for a major variation of a Premises Licence by the applicant.

3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant had to display a Notice on site for the same period.

3.3 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's 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 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 premises licence was granted with "grandfather rights" on 1 September 2009 with a permitted opening hour of 1100 hrs on a Sunday.

The variations applied for are all in accordance with Board policy.

I have no cause to make any objection to the grant of this variation.

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 variation to this licence will not fundamentally affect any local conditions however, as a consequence of the recent changes in Board policy it may be appropriate to remove all existing local conditions and to substitute with the conditions detailed below from the adopted list of local and special conditions.

The premises outdoor drinking area is authorised by a pavement permit. Wick town centre is within the boundary of a byelaw prohibiting consumption of alcohol in public places otherwise than when authorised by a premises licence.

Conditions:-

- e. After 2100 hrs alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.
- k. Within 30 minutes of the conclusion of permitted hours for any outside area governed by a Pavement Permit, all tables and chairs, parasols and other moveable furniture will be removed.
- m. The licence holder shall ensure that all outdoor tables covered by a Pavement Permit are regularly cleared of all used glassware and crockery.

Special Condition:-

- 1. Any alcohol for consumption in the outdoor drinking area will be sold only in the licensed premises.

7.3 Specific Condition

The Licence Holder shall submit to the Board and to Northern Constabulary prior to 1 December each year notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Festive Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

Recommendation

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

Designation: Clerk to the Licensing Board
Reference: HC/CSER/0078
Date: 25 November 2013
Author: G Sutherland

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

Appendix: None