

The Highland Licensing Board

Meeting – 17 December 2013

Agenda Item	9.17
Report No	HLB/168/13

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

The Great Glen (Wetherspoon), 98-104 High Street, Fort William, PH33 6DX

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence in respect of The Great Glen, 98-104 High Street, Fort William, PH33 6DX.

1.0 Description of Premises

The Great Glen (Wetherspoon) is located on the High Street in the town centre area of Fort William. The Premises consists of two floors. On the ground floor there is a Restaurant/Bar area. Located on the first floor are toilet facilities and an outdoor drinking area.

1.1 Current Core Operating Hours

The premises currently enjoy the following operating hours:

On-Sale:

Monday to Saturday: 1100 hours to 0100 hours
Sunday: 1200 hours to 0100 hours

Off-Sale:

Monday to Sunday: 1100 hours to 2200 hours

2.0 Summary of Variation Application

2.1 Variation Sought

The applicant seeks to vary the premises licence as follows:-

- (i) Increase the commencement hour for on sales on a Sunday from 1100 hours (currently 1200 hours).
- (ii) Vary the layout plan to include one small external drinking area to the front of the premises.

3.0 Background

3.1 On 30 October 2013 the Licensing Board received an application for a major variation of a Premises Licence from J D Wetherspoon (Scot) Ltd.

3.2 The application was publicised during the period 11 November 2013 until 2 December 2013 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health), Planning, Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and the local Community Council.

3.4 No objections or representations 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 only power to either grant the application and make a variation of the conditions to which the licence is subject or, refuse the application.

If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- the additional increase in core hours sought on a Sunday is within the Board's policy;
- the premises are considered suitable for use for the sale of alcohol in accordance with the proposed variation;
- there would not appear to be any matter contained within the application that is inconsistent with the Licensing Objectives and the premises are considered suitable for use for the sale of alcohol in accordance with the proposed application.

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 2013-16
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board Equality Strategy

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 HLB Local Conditions

As a consequence of the Licensing Board's new Policy Statement 2013-16, it may be appropriate to remove all existing Local Conditions and substitute with the following:

- A. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- B. Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.

- C. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- H. Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.
- M. The licence holder shall ensure that all outdoor tables covered by a Pavement Permit are regularly cleared of all used glassware and crockery.
- Q. The licence holder shall submit to the Board and to Police Scotland, 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 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.

7.3 **Mandatory Condition – Late Opening Premises**

When the premises are operating as Late Opening Premises ie. the Festive Policy, then the following mandatory condition will apply:

1. A person trained to the satisfaction of the Licensing Board in administering First Aid must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
 - (a) the time at which the premises next close; and
 - (b) 0500 hours

7.4 **HLB Special Condition**

When the premises are operating as Late Opening Premises ie. the Festive Policy, then the following condition will apply:-

1. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours.

Given that the application relates to an external seating area that is subject to a pavement permit, the Board may wish to consider also attaching the following specific condition:

2. At the conclusion of the hours stipulated in terms of the planning consent, the Licence holder shall ensure that all tables, chairs, parasols and other moveable furniture will be removed from the outside area governed by a Pavement Permit.

Recommendation

The Board is invited to determine the above application and give consideration to granting the application as outlined at para. 2.1 and in addition to the Mandatory Conditions, consideration be given to updating the Local Conditions as referred to at para 7.2 of the report, attaching the proposed Mandatory Late Opening Premises Condition referred to at 7.3 of the report and the Special Local Conditions, referred to at para. 7.4 of the report;

or

If the Board are minded to refuse the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1395

Date: 3 December 2013

Author: AMK/JT

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