

## The Highland Licensing Board

Meeting – 4 February 2014

Agenda Item	11.6
Report No	HLB/019/14

### Application for a Major Variation of Premises Licence under the Licensing (Scotland) Act 2005

Old Market Inn, 32 Church Street, Inverness IV1 1EH

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

##### Summary

REF: HC/INBS/385

This Report relates to an application for a Major Variation of Premises Licence.

**Premises:** Old Market Inn, 32 Church Street, Inverness IV1 1EH

**Applicant:** John Henderson Shepherd, Khawari, Glackmore, Tore IV6 7SN

## 1 Description of Premises

Traditional four storey stone building located in Inverness City Centre. The premises are adjoined to other commercial businesses on either side.

The public bar is located on the ground floor as are the male and female/disabled toilet areas.

The upper floor of the premises consists of the lounge bar area with stage area and male and female toilet areas.

An external sitting area is located at the front of the premises. The premises serve on and off sales.

### 1.1 Previous Core Operating Hours

#### On Sales:

##### Upstairs Bar (Lounge Bar)

Mon – Sat. 12.30 hrs to 01.00 hrs

Sunday 12.30 hrs to 00.30 hrs

##### Downstairs Bar: (Public Bar)

Mon – Sat. 09.00 hrs to 23.00 hrs

Sunday 12.30 hrs to 23.00 hrs

#### Off Sales:

##### Upstairs Bar (Lounge Bar)

Mon – Sun 12.30 hrs to 22.00 hrs

##### Downstairs Bar: (Public Bar)

Mon – 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 Sunday Opening of downstairs bar to commence from 11.00 hrs.
2. Variation to On Sales Sunday terminal hour of upstairs bar to 01.00 hrs
3. Variation to Off Sales Sunday commencing from 11.00 hrs (Downstairs)

## **3 Background**

3.1 On 15 November 2013 the Licensing Board received an application for a Major Variation of a Premises Licence on behalf of the applicant, Mr John Henderson Shepherd.

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 (25 November to 16 December 2013). Confirmation of display of the 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. No Community Council is currently formed for the area.

3.4 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. that 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, 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 Old Market Inn, Inverness is a traditional public house operating on two levels with a Public Bar downstairs and an upstairs Lounge Bar. The two bars operate different sets of licensed hours.

On Monday to Saturday the downstairs Public Bar opens at 09.00 hrs and ceases its core hours at 23.00 hrs. Application has now been made (following a change within the latest Licensing Policy Statement issued by the Highland Licensing Board) to allow the downstairs Public Bar to open at 11.00 hrs on Sundays for the sale of alcohol for consumption both on and off the premises. Previously, Sunday trading commenced at 12.30 hrs.

The upstairs Lounge Bar currently operates from 12.30 hrs until 00.30 hrs on Sundays. Application is made to increase the length of trading hours until 01.00 hrs, again following a change in Board Policy hours for Sundays.

The premises are well run and have a good operating history with no adverse reports from the Police. The premises are well managed and maintain membership of the City Centre Pub Watch scheme.

The premises in question operates two different sets of hours for each bar, albeit they form one premises. The Public Bar operates Monday to Saturday, 0900 hrs until 23.00 hrs and on Sundays will from 11.00 hrs to 23.00 hrs if this application is granted. The Lounge Bar operates from 12.30 hrs to 01.00 hrs Monday to Saturday and will operate from and to the same hours on Sundays should this application be granted. It is the opinion of the LSO, to ensure effective delineation of the two operations, that the Public Bar should be conditioned not to trade past 23.00 hrs and the Lounge Bar not to open prior to 12.30 hrs.

In the opinion of the LSO should the Board be minded to grant this variation there would be no adverse impact 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**

f(1).Premises opening for the sale of alcohol for consumption on the Premises prior to 11am shall have available a selection of hot and cold food and shall advertise this within the premises. (Licensing Objective 4)

h). Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer. (Licensing Objectives 2 and 5).

#### **Specific Condition(s)**

The Public Bar part of the Premises shall not trade on any day beyond 23.00 hrs. (Licensing Objective 4)

The Lounge Bar part of the Premises shall not open on any day prior to 12.30 hrs. (Licensing Objective 4)

## **8 Recommendation**

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/385

Date: 3<sup>rd</sup> January, 2014

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 October 2013 to November 2016