

**The Highland Licensing Board**

**Meeting – 4 February 2014**

Agenda Item	11.11
Report No	HLB/024/14

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

**Seaview Hotel, John O’Groats**

**Report by the Clerk to the Licensing Board**

**Summary**

**Ref:** HC/CSER/0295

**Premises:** Seaview Hotel, John O’Groats

**Applicant:** John O’Groats Leisure Ltd

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. This is a rural hotel with public bar, lounge bar and restaurant.

**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 Sunday 1000 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. Remove adult entertainment as an activity or service to be provided.
  3. Amend terms of entry for children and young persons in line with Board policy.
  4. Remove local condition (g) – Restriction on outdoor drinking area hours of operation.
  5. Add seasonal variation to take advantage of any period of extended hours permitted by the Licensing Board during the festive period.

### **3.0 Background**

3.1 On 6 November 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**

- 5.1 The changes to the licensed hours for on-sales on each day are in line with Board policy.
- 5.2 The licence holder has now decided not to permit adult entertainment on the premises.
- 5.3 The current terms of entry for children and young persons are unnecessarily restrictive. Grant of the variation will allow children, accompanied by an adult, to be on the premises other than for specific purposes and young persons need not, at the discretion of the management, be accompanied by an adult. These terms are reasonable and appropriate for a family hotel in a rural area, should not conflict with any licensing objective and are in accordance with Board policy and conditions.
- 5.4 The outdoor drinking "curfew" of 2100 hrs was a standard condition when the premises licence was granted at transition. There are no residential properties in the close vicinity of the premises and removal of the condition is unlikely to cause any public nuisance.
- 5.5 The seasonal variation applied for is in accordance with Board policy.

## **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**

It is suggested that the following local condition be added.

(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

7.3 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.

### **Late Opening Local Conditions**

The following shall apply on any occasion that the Premises are open after 0100 hrs.

1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs.

2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day when the premises are open at 0100 hrs) until whichever is the earlier of:-

- (a) the time at which the premises next close, and
- (b) 0500 hrs.

### **Recommendation**

The Board is invited to determine the above application, and the proposed removal of local condition (g) as at para 5.4 and addition of local conditions and late opening local condition(s) detailed at para(s) 7.2 and 7.3 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/0295  
Date: 17 December 2013  
Author: G Sutherland

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

Appendix: None