

The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	11.3
Report No	HLB/044/14

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

Gunsmiths, 30 Union Street, Inverness IV1 1PX

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/184

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

Premises: Gunsmiths, 30 Union Street, Inverness IV1 1PX

Applicant: Punch Partnership Limited, Jubilee House, Second Avenue Burton upon Trent, DE14 2WF per TLT Scotland Ltd, 140 West George Street, Glasgow G2

1 Description of Premises

The premises are a 'mid-market' City public house which offers both on and off sales.

1.1 Previous Core Operating Hours

On Sales:

Monday to Friday 11.00 – 01.00 hrs.

Saturday 11.00 - 00.30 hrs.

Sunday 12.30 - 24.00 hrs.

Off Sales:

Monday to Saturday 11.00 - 22.00 hrs

Sunday 12.30 – 22.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

Amendment to core licensing hours:

On sales: 11.00 hrs. to 01.00 hrs. 7 days a week; and,

Off sales: 11.00 hrs. to 22.00 hrs. 7 days a week.

3 Background

3.1 On 19 February 2014 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, TLT Scotland Ltd, 140 West George Street, Glasgow G2.

- 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 (24 February to 17 March 2014). 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), and 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. that 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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. that 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

Application has been made by the premises licence holders to increase the current core hours of the Premises in line with recent changes to the policy hours of the Highland Licensing Board.

On sales hours are requested to increase on Saturdays from a closing time of 00.30hrs to 01.00hrs which is within policy.

Sunday trading is requested to commence from 11.00hrs for on and off sales with a terminal hour for on sales of 01.00hrs.

The premises have a satisfactory operating history although they are not members of the Local Pub Watch Scheme. Several similar city centre premises have already varied their licences to take account of increased allowance within Board policy. There has been no adverse impact on the Licensing Objectives occasioned by such changes.

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 will apply.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/184

Date: 19 February 2014

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 December 2013 to November 2016