

The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	11.6
Report No	HLB/047/14

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

Plockton Hotel, 41 Harbour Street, Plockton, IV52 8TN

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 Plockton Hotel, 41 Harbour Street, Plockton, IV52 8TN.

1.0 Description of Premises

Plockton Hotel is a stone built hotel situated on the waterfront of the small coastal village of Plockton. It comprises a public bar, lounge bar, dining room, snug and 11 bedrooms.

1.1 Current Core Operating Hours

The premises currently enjoy the following operating hours:

On Sales:

Monday to Friday: 1100 to 0100
Saturday: 1100 to 0030
Sunday: 1230 to 2300

Off Sales:

Monday to Saturday: 1100 to 2200
Sunday: 1230 to 2200

2.0 Summary of Variation Application

2.1 Variation Sought

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

- (1) Increase the commencement hour for On Sales and Off Sales on Sunday to 1100 hours;
- (2) Increase terminal hour for On Sales on Saturday and Sunday to 0100 hours;

- (3) Add gaming as an activity within core hours;
- (4) Add indoor/outdoor sports outwith core hours;
- (5) Other Activities – on occasions a marquee will be erected in the outdoor drinking area for special occasions.

3.0 Background

- 3.1 On 17 February 2014 the Licensing Board received an application for a major variation of the Premises Licence from the Licence holder, Mr T Pearson, Mrs D Pearson and Mr A Pearson.
- 3.2 The application was publicised during the period 20 February 2014 and 13 March 2014.
- 3.3 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's TEC Services (Environmental Health), Planning and 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 increase in core hours applied for is within the policy hours of the Highland Licensing Board;
- the additional activities sought are considered reasonable for the type of operation;
- there would not appear to be any matter contained within the application that is inconsistent with 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) 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 Local Conditions

It is not considered necessary to attach any further Local Conditions.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1312

Date: 17 March 2014

Author: AHM/CN

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