

**The Highland Licensing Board**

**Meeting – 1 April 2014**

Agenda Item	<b>11.8</b>
Report No	<b>HLB/049/14</b>

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

**The Newmarket Bar, Traill Street, Thurso, KW14 8EG**

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

**Summary**

**Ref:** HC/CSER/1168

**Premises:** The Newmarket Bar, Traill Street, Thurso, KW14 8EG

**Applicant:** Morven Holdings Ltd per Lorna Murray

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 Public House occupying part of the ground floor (and basement) of a larger tenement in a central location in Thurso.

**1.2 Current Core Operating Hours**

**On Sales:**

Monday to Saturday 1100 hrs to 0100 hrs

Sunday 1200 hrs to 2400 hrs

**Off Sales:**

Monday to Saturday 1100 hrs to 2200 hrs

Sunday 1200 hrs to 2200 hrs

**2.0 Summary of Variation Application**

- 2.1**
1. Variation to On Sales Hours: Sunday 1100 hrs to 0100 hrs
  2. Change name of premises to Mr C's Bar
  3. Amend any other activities to include web-based sales of alcohol delivered locally or by delivery company elsewhere; and provision of snacks and light lunches.

### **3.0 Background**

3.1 On 17 February 2014 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 proposed change to on and off-sales hours on a Sunday is in accordance with Board policy.
- 5.2 The premises operate primarily as a cocktail bar and the applicant has identified a business opportunity to supply pre-mixed drinks or alcohol ingredients to be mixed by trained staff on private premises. The applicant is aware of the restrictions on sale by off-sale of alcohol and the Board's policy on home deliveries at paragraph 2.7 of their 2013-2016 policy.
- 5.3 There is no kitchen on the premises but the applicant wishes to sell pre-prepared snacks and light lunches.
- 5.4 I have no objections nor wish to make representations in respect of this 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
- (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**

In accordance with current Board policy it would be appropriate to retain existing local conditions but remove specific condition 1 relating to the seasonal variation for the festive period and replace with local condition (q).

(q) The Licence Holder shall submit to the Board and to Police Scotland prior to 1<sup>st</sup> 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 Festive 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 **Late Opening Local Conditions**

In accordance with current Board policy it would be appropriate to impose the under-noted Late Opening Local Conditions which 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.

### 7.4 **Special Condition**

The Board may wish to consider imposing a special condition to regulate the delivery service after it has had an opportunity to consider the details provided by the applicant.

#### **Recommendation**

The Board is invited to determine the above application and the proposed local conditions and late opening local condition(s) detailed at para(s). 7.2 7.3 and 7.4 above 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/1168  
Date: 14 March 2014  
Author: Iona Cook

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

Appendix: None