

## The Highland Licensing Board

Meeting – 13 May 2014

Agenda Item	8.4
Report No	HLB/063/14

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

Station Hotel, Bridge Street, Avoch IV9 8PP.

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

##### Summary

REF: HC/RSL/0304

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

**Premises:** Station Hotel, Bridge Street, Avoch, IV9 8PP.

**Applicant:** R & L Comfort, Station Hotel, Bridge Street, Avoch, IV9 8PP

## 1 Description of Premises

The premises are a traditional sandstone built Hotel consisting of 3 floors with two dining rooms, small public bar and delicatessen shop, external beer garden and bedrooms on the third floor.

### 1.1 Existing Core Operating Hours

#### On Sales:

Monday to Friday - 1100 hrs to 0100 hrs  
Saturday - 11.00hrs to 2400 hrs  
Sunday - 1230 hrs to 2330 hrs.

#### Off Sales:

Monday to Saturday - 1100 hrs to 2200 hrs  
Sunday - 1230 hrs to 2200 hrs

## 2 Summary of Variation Application

### 2.1 Variation Sought

1. Variation to description of premises.
2. Variation to on-sales hours Sundays to commence at 1100 hrs and on Saturday and Sunday to terminate at 0100 hrs the following day.
3. Variation to off-sales hours Monday to Sunday to commence at 1000 hrs.
4. Variation to any other activities to include a Delicatessen shop and a takeaway service.
5. Variation to the wording of Children's Policy.

6. Variation to include an off-sales capacity of 13.90 m<sup>2</sup> within the Delicatessen shop and no off-sales capacity on display in the Bar.. T
7. Variation to layout plan to include a Delicatessen shop and takeaway service by altering the Bar area.

### **3 Background**

- 3.1 On 27 March 2014 the Licensing Board received an application for a major variation of a premises licence on behalf of the applicant, R & L Comfort.
- 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 (31 March 2014 to 21 April 2014). Confirmation of 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, and the local Community Council
- 3.4 A 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. 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 Licensing Standards Officer's Comments**

Station Hotel, Avoch is an established Hotel offering substantial restaurant services specialising in family friendly dining. The current Licence Holders have invested heavily in the Hotel and have carried out a number of refurbishments. They have a history of responsible trading.

Application is made to alter the layout of the Premises to include a Delicatessen Shop in the area of the former Lounge Bar; this is to comprise of a butchery counter, bakery produce section, grocery and a substantial range of wines and beers for off-sales. Accordingly the off-sales capacity on the Premises Licence has altered to reflect the display in this new shop. Although off-sales will still be available from the bar of the Hotel they will be sourced from stock and not the bar display.

The Delicatessen Shop functions as a shop at all times from 1000 hrs until 2200 hrs and accordingly the off-sales section of the Operating Plan has been amended to reflect these hours. Only persons sourcing alcohol from the shop will be able to purchase alcohol from 1000 hrs, sales from the bar will not be available.

In addition the applicant has sought to modernise the on-sales hours in line with recent changes in Board Policy. Sunday on-sales are requested to commence from 1100 hrs whilst the terminal hour for on sales for Saturday and Sunday is requested to change to 0100hrs. The premises are very much food led and the LSO envisages that such expansion of hours will cause no adverse issue in respect of the Licensing Objectives. It is the Licence Holder's intention to utilise the fullest extent of hours when catering for specific functions and occasions in which the premises specialise and it will enable them to advertise the hours available to potential customers.

The layout of the premises has changed; apart from the creation of the Delicatessen Shop, the former Public Bar area has been downsized and a larger capacity for dining has been created from the resultant space. A new set of layout plans accompanies the application. In line with the cosmetic changes the text of the description of the premises within the premises licence has been altered to accurately take account of the changes.

Within the operating plan at Section 5, section 5(f) has been amended to include reference to the activity of the Delicatessen Shop and the provision of a takeaway meals service.

Lastly, the wording of the Children's Policy within the operating plan has been amended to allow young person's to access the premises unaccompanied until 2000 hrs after which time they require to be

accompanied by an adult. This is seen as entirely in keeping with the 5<sup>th</sup> Licensing Objective by the LSO considering the character and use of the premises.

## **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**

a).Children under the age of 16 are excluded from any room where there is a bar counter after 22.00hrs except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.(Licensing Objective 5).

b).Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the Licence Holder or children who are resident on the premises.(Licensing Objective 5).

c).Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.(Licensing Objective 5).

## **8 Recommendation**

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/0304

Date: 24 April, 2014

Author: AHM/CM

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

Licensing Board Policy Statement from 1 October 2013 to November 2016