

The Highland Licensing Board

Meeting – 17 June 2014

Agenda Item	10.1
Report No	HLB/078/14

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

Berties Bar, Inverness Railway Station, Academy Street, Inverness IV1 1LE

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/308

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

Premises: Berties Bar, Inverness Railway Station, Academy Street, Inverness IV1 1LE

Applicant: Caterleisure Services Limited, 197-199 Main Street, Wilsden, Bradford, Yorkshire per Lindsays, Caledonian Exchange, 19a Canning Street, Edinburgh EH3 8HE

1 Description of Premises

Berties Bar is located on the platform area within Inverness Railway Station. It operates as a traditional style 'public house' offering on and off sales.

1.1 Previous Core Operating Hours

On Sales:

Monday to Saturday 09.00 hrs to 23.00 hrs

Sunday 12.30 hrs to 23.00 hrs

Off Sales:

Monday to Saturday 10.00 hrs to 22.00hrs

Sunday 12.30 hrs to 22.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

Variation to Operating Plan:

At Q2 - Change opening time for on-sales on a Sunday to 11.00 hrs.

At Q3 -Change opening time for off-sales on a Sunday to 11.00 hrs.

At 6(a) - Change NO to YES

At 6(b) insert "Children will be permitted entry when accompanied by a responsible adult

Young Persons will be permitted unrestricted entry until 21.00 hrs.

Young Persons will be permitted entry after 21.00 hrs when accompanied by an adult.

At 6(c) insert "Children and Young Persons 0-17 years. In respect of those children aged 0-5 years whilst there are no bespoke baby changing facilities on the premises, tokens are given for public toilets/babychanging at the nearby public facilities.

Signage advertising this provision is displayed in areas readily viewable by customers using the premises".

At 6(d) insert "They will be permitted entry at any time during the opening hours of the premises".

At 6(e) insert "They will be permitted entry to all public parts of the premises".

Layout Plan:

Marked up to show that Children and Young Persons are permitted in all public parts of the premises.

3 Background

3.1 On 1 May 2014 the Licensing Board receipted an application for a major variation of a Premises Licence on behalf of the applicant's agent: Lindsay's, Caledonian Exchange, 19a Canning Street, Edinburgh EH3 8HE.

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 (07 May to 28 May 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. There is no Community Council formed.

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

Bertie's Bar is a popular bar situated within the Station concourse at Inverness Railway Station, primarily utilised by rail commuters but with some local trade. The operating history is trouble free and previous compliance checks have revealed the operators to be meeting the requirements of the Licensing (Scotland) Act 2005.

Within this application the Licence Holder seeks to take advantage of a shift in the Board's policy for Sunday opening and open at 11.00hrs. With the location of the premises and the service it provides to commuters/tourists this is seen as entirely reasonable by the LSO without compromise to the Licensing Objectives.

Previously the premises did not admit children and young persons. They now seek to admit under 18's and have outlined an acceptable Children's Policy which satisfies the Licensing Objectives in the view of the LSO. The Premises are largely given over to tables and chairs albeit there is some standing room at the bar. Meals are available to customers. It is the view of the LSO that the Premises are family friendly. Baby changing for children under 5's are provided at the next door public toilets in the Station concourse by a token arrangement giving customers free access.

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 2200 hours 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.(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.(Objective 5)

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

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/308

Date: 7 May 2014

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 December 2013 to November 2016