

The Highland Licensing Board

Meeting – 17 June 2014

Agenda Item	10.2
Report No	HLB/079/14

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

The Exchange, 38-40 Academy Street, Inverness IV1 1JT

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/383

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

Premises: The Exchange, 38-40 Academy Street, Inverness IV1 1JT

Applicant: Greene King Brewing and Retailing Ltd, c/o Belhaven Pubs, Atrium House, 6 Back Walk, Stirling FK8 2QA

1 Description of Premises

End of Terrace 2-storey building located on Academy Street in the city centre. Premises are a Public House with Lounge Bar, kitchen, disabled toilet, cellarage, office and storage. The Premises offer on and off sales, hot and cold beverages and hot and cold food.

1.1 Current Core Operating Hours

On Sales:

Monday to Sunday 11.00 hrs to 01.00 hrs

Off Sales

Monday to Sunday 11.00 hrs to 22.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

1. Amendment to Activities: recorded music available outwith core hours to accompany other permitted activities, but no earlier than 07.00 hrs.
2. Amendment to Children and Young Persons times, to read: 'Children and Young Persons will be admitted until 22.00 hrs or until the end of a meal'.

3 Background

- 3.1 On 21 April 2014 the Licensing Board receipted an application for a major variation of a Premises Licence on behalf of the applicant, Greene King Brewing and Retailing Ltd, c/o Belhaven Pubs, Atrium House, 6 Back Walk, Stirling FK8 2QA.
- 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 (26 April to 16 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 for this area.
- 3.4 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 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

The Premises in question are a busy Town Centre Premises offering substantial food provision as well as a popular lounge bar environment. The Premises have a responsible operating history. Compliance visits carried out by the LSO have revealed a satisfactory observance of the Licensing (Scotland) Act 2005.

The Premises during the day and early evening offer a substantial menu and in the latter part of the evening the Premises become a popular Town Centre bar. The Premises are popular for family dining and the LSO is confident that should the Board be minded to grant the proposed amendment to the Operating Plan there will be no adverse effect in respect of the safety of children.

The amendment to the list of approved Activities by allowing recorded music to be provided out with core hours causes no issue in respect of 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) 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).

J) After 21.00 hrs on Friday and Saturday, the Premises Licence Holder shall ensure that there is adequate stewarding at all relevant entrances and egresses to the Premises and within the Premises.(Objective(s) 1, 2 and 3).

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/383

Date: 6th 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