

**The Highland Licensing Board**

**Meeting – 13 May 2014**

Agenda Item	<b>10.5</b>
Report No	<b>HLB/082/14</b>

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

**Commercial Bar, 1 Princes Street, Thurso**

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

**Summary**

This Report relates to an application for a major variation of Premises Licence for Commercial Bar, 1 Princes Street, Thurso.

**1.0 Description of Premises**

1.1 The Commercial Bar is located in Thurso town centre and consists of a public bar and lounge bar.

**1.2 Current Core Operating Hours**

**On Sales:**

Monday to Thursday	1100 hrs to 2400 hrs
Friday and Saturday	1100 hrs to 0100 hrs
Sunday	1230 hrs to 2345 hrs

**Off Sales:**

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

**2.0 Summary of Variation Application**

**2.1 Variation Sought**

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

- (1) Increase on sales hours to terminate at 0100 hrs the following days on Mondays to Thursdays and Sundays
- (2) Increase on sales hours to commence at 1100 hrs on Sundays
- (3) Increase off sales hours to commence at 1100 hrs on Sundays
- (4) Add seasonal variation to take advantage of any extended hours offered by the Board over the festive period

### **3.0 Background**

3.1 On 1 May 2014 the Licensing Board received an application for a major variation of Premises Licence from the Licence holder, The Firm of Commercial Hotel.

3.2 The application was publicised during the period 9 to 30 May 2014. I am awaiting confirmation that the site notice has been displayed.

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 were also sent to NHS Highland and to 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 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.

4.3 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 objection in question.

## **5.0 Licensing Standards Officer's Comments**

The LSO has provided the following comments:-

- 5.1** The premises operate as a public house with licensed hours Monday to Thursday for on sales from 1100 hrs to 2400 hrs, Friday and Saturday 1100 hrs to 0100 hrs the following day, and on a Sunday, 1230 hrs to 2345 hrs.
- 5.2** Off-sales on a Sunday commence at 1230 hrs and, for the rest of the week, at 1100 hrs.
- 5.3** The proposed changes to on and off-sales hours and addition of a seasonal variation are in line with Board policy

## **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 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**

In accordance with current Board policy it would be appropriate to retain both existing local conditions and add:-

(q) The Licence Holder shall submit to the Board and to Northern Constabulary prior to 1st 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 Northern Constabulary in accordance with this condition.

### 7.3 Late Opening Premises Conditions

The following 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 hours (on any day on which 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.

#### **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 and 7.3 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 of the Highland Licensing Board  
Reference: HC/CSER/0274  
Date: 2 June 2014  
Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005