

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	11.5
Report No	HLB/097/14

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

The Caledonian, 9-11 High Street, Inverness IV1 1HY

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/323

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

Premises: The Caledonian, 9-11 High Street, Inverness IV1 1 HY

Applicant: Stonegate Pub Company Ltd, c/o Codan Trust Company (Cayman) Ltd, 2681, Cricket Square, Grand Cayman, Cayman Islands, KY1 1111 per Hill Brown Licensing, Glasgow

1 Description of Premises

On and Off Sales

The premises are a public house situated in between retail units in a mixed residential and commercial area at 9-11 High Street, Inverness.

The facilities offered include conference, restaurant and bar meals on the ground floor.

1.1 Existing Core Operating Hours

On Sales

Monday to Saturday 11.00hrs to 01.00 hrs

Sunday 12.30 hrs to 24.00 hrs

Off Sales:

Monday to Saturday 11.00 hrs to 22.00 hrs

Sunday 12.30 hrs to 22.00 hrs.

2 Summary of Variation Application

2.1 Variation Sought

1. Amend On Sales hours on Sunday to commence from 11.00 hrs and to terminate at 01.00 hrs the following morning.
2. Amend Off Sales hours on Sunday to commence from 11.00 hrs.

3 Background

- 3.1 On 26 June 2014 the Licensing Board receipted an application for a major variation of a Premises Licence on behalf of the applicant, from the applicant's agent, Hill Brown Licensing, 3 Newton Place, Glasgow.

- 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 (30 June to 21 July 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. No Community Council for the area is currently 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 Officers Comments.

The Caledonian, is a busy city centre lounge bar situated on the High Street, Inverness. The Premises have a satisfactory operating history and are members of the Inverness Pub Watch.

Apart from being a lounge bar the Premises also operate a substantial food service until late evening.

Application has been made in line Highland Licensing Board Policy to amend the existing trading hours to allow Sunday On sale trading from 11.00hrs until 01.00ahrs and off sales trading from 11.00 hrs until 22.00 hrs.

Compliance checks have shown the Premises to be compliant with the terms of their Operating Plan and mandatory/Local Conditions.

The LSO is of the opinion that should the Board be minded to grant this variation there would be no adverse effect on 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

Existing Local Conditions will continue to apply to the Licence.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/323

Date: 26 June 2014

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 December 2013 to November 2016