

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	11.11
Report No	HLB/103/14

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

Commercial Hotel, 23 High Street, Alness

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence for the Commercial Hotel, 23 High Street, Alness.

1.0 Description of Premises

1.1 The Commercial Hotel is a detached property in the town centre of Alness. The ground floor consists of a public bar and lounge bar with letting rooms on the first and second floors. The hotel was granted a premises licence, on transition, on 1 September 2009.

1.2 Current Core Operating Hours

On Sales:

Monday to Saturday 1100 hrs to 0100 hrs the following day
Sunday 1230 hrs to 2400 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 on a Sunday to commence at 1100 hrs;
- (2) increase off-sales hours on a Sunday to commence at 1100 hrs;

3.0 Background

- 3.1 On 9 June 2014 the Licensing Board received an application for a major variation of Premises Licence from the Licence holder, Graeme Robertson.
- 3.2 The application was publicised during the period 30 June to 21 July 2014.
- 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.
- 3.4 Notification and a copy of the application were also sent to NHS Highland and to the local Community Council.
- 3.5 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

5.1 The variations applied for are in accordance 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

No change to the existing list of conditions is required.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board
Reference: HC/CSER/0912
Date: 28 July 2014
Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005