

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	11.13
Report No	HLB/105/14

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

Star Inn, Market Street, Tain

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence for the Star Inn, Market Street, Tain.

1.0 Description of Premises

1.1 The Star Inn operates as a traditional pub in the centre of Tain and was granted a premises licence, on transition, on 1 September 2009.

1.2 Current Core Operating Hours

On Sales:

Monday to Thursday	1100 hrs to 2400 hrs
Friday	1100 hrs to 0100 hrs
Saturday	1100 hrs to 2400 hrs
Sunday	1230 hrs to 2330 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 licensed hours to terminate at 0100 hrs the following day on Monday to Thursday, Saturday and Sunday;
- (2) increase licensed hours on a Sunday to commence at 1100 hrs;
- (3) increase off-sales hours on a Sunday to commence at 1100 hrs;

- (4) add a seasonal variation to take advantage of any period of extended hours agreed by the Board over the festive period;
- (5) add receptions, club or other group meetings, dance, theatre, films, gaming, indoor/outdoor sports, televised sport and outdoor drinking to list of activities and services available during core hours;
- (6) to the list of additional activities during core hours add - charity and fundraising events, host/hostess parties and demonstrations and any light catering on the premises may be supplied from off the premises;
- (7) add children's policy to allow children and young persons to be on the premises between 1100 hrs and 1800 hrs;
- (8) decrease on-sales capacity from 70 to 60.

3.0 Background

- 3.1 On 27 June 2014 the Licensing Board received an application for a major variation of Premises Licence from the Licence holder, Star Inn Tain Ltd.
- 3.2 The application was publicised during the period 4 to 25 July 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.
- 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 application includes a reference to an outdoor drinking area. The applicant has now confirmed that there is no outdoor drinking area and asks that the Board remove that service from the application.

5.2 The applicant has identified an occasional demand for accompanied children and young persons to be on the premises particularly when televised sporting events are being shown during the day. Following discussion with the applicant I am satisfied that he is aware of and has given due consideration to the licensing objective of protecting children from harm and has included young persons in his assessment.

5.3 The variations applied for are in accordance with Board policy and do not conflict with any 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 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

- a. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hrs 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.

- 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.
- c. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- h. Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.
- q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 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 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 Police Scotland 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.

Designation: Clerk of the Highland Licensing Board
Reference: HC/CSER/0866
Date: 28 July 2014
Author: G Sutherland
Background Papers: The Licensing (Scotland) Act 2005