

**The Highland Licensing Board**

**Meeting – 7 October 2014**

Agenda Item	<b>9.11</b>
Report No	<b>HLB/128/14</b>

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

**Caledonian Bar, 28-30 King Street, Invergordon**

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

**Summary**

This Report relates to an application for a major variation of Premises Licence for the Caledonian Bar, 28-30 King Street, Invergordon.

**1.0 Description of Premises**

1.1 The Caledonian Bar operates as a traditional public house 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 and Saturday	1100 hrs to 0100 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) Change on-sales hours on Sundays to Thursdays to 1100 hrs to 0100 hrs
- (2) Change off-sales hours on Sundays to 1100 hrs to 2200 hrs
- (3) Include seasonal variation in respect of any policy hours granted by the board in terms of Section 67
- (4) Add accommodation as a service to be provided

- (5) Amend description of the premises to include letting accommodation
- (6) Amend layout plan to reflect the inclusion of letting accommodation
- (7) Change the name of the premises to Caledonian Inn
- (8) Include activities outwith core hours - indoor/outdoor sports, music and televised sport
- (9) Add to other activities section that catering may be provided at the premises by outside caterers
- (10) Amend children and young persons terms of entry to permit young persons (16 and 17 years olds) to be present on the premises until 2200 hrs daily, subject to them being accompanied by an adult
- (11) Increase capacity to 130 persons

### **3.0 Background**

- 3.1 On 30 July 2014 the Licensing Board received an application for a major variation of Premises Licence from the licence holder, Murdoch Hudson.
- 3.2 The application was publicised during the period 29 August to 19 September 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. No objections were received from these consultees.
- 3.4 Notification and a copy of the application were also sent to NHS Highland and to Invergordon Community Council.
- 3.5 A letter of representation dated 9 September 2014 has been received from Invergordon Community Council and forms Appendix 1 to this report.

### **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, 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 only has 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 objective in question.

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

5.1 The applicant intends to change the operation of the premises from a public house to an inn with letting accommodation. The proposed additional services, activities and terms of entry young persons are reasonable and appropriate for such premises and should not be in conflict with any licensing objective.

## **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**

Retain existing local and specific conditions and add:

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 Additional Conditions

The following shall apply on any occasion that the Premises are open after 0100 hrs.

#### 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.

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 objective in question.

Designation: Clerk of the Highland Licensing Board

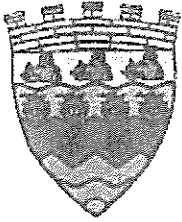
Reference: HC/CSER/1039

Date: 23 September 2014

Author: G Sutherland

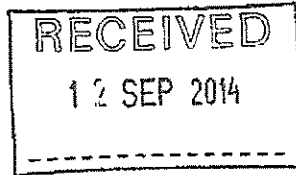
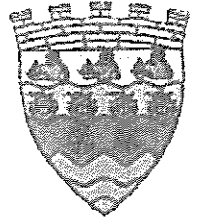
Background Papers: The Licensing (Scotland) Act 2005

Appendix 1: Letter dated 9 September 2014 from Invergordon Community Council



# Invergordon Community Council

C/O Invergordon Service Point, 62 High Street, Invergordon,  
Ross-shire, IV18 0DH



Gilmorehill,  
Northfield,  
Invergordon  
IV18 0LF

9<sup>th</sup> September 2014

Alaisdair H MacKenzie  
Clerk to the Highland Licensing Board  
Council Offices  
Girnigoe Street  
Wick  
KW1 4HW

Dear Sir,

Application for Variation of Premises Licence  
Caledonian Bar 28 – 30 King Street Invergordon

I am writing on behalf of Invergordon Community Council to submit our representations about the above application.

- We have no objection to the change of name to Caledonian Inn or the addition of accommodation as a service.
- We have no objection to the change in on-sales or off- sales hours.
- However we would like clarification about entry to 16 and 17 year olds. In what circumstances are they given entry? Do they have to be accompanied by an adult / having a meal etc?
- We would also like clarification about the term 'show catering' and what exactly this entails.
- Conditions:- If the Variation is granted we would want the following conditions in place.
- A Music Plan to be in place as the Caledonian Bar is in an area of the town where there are many elderly residents including sheltered accommodation.
- SIA trained stewards to be employed to control entry to and exit from the premises.

Thank you for your attention in this matter.

Yours sincerely

Fiona Porter [ Secretary]

Please reply to: Fiona Porter, Secretary, Gilmorehill, Tomich, Invergordon, Ross-shire, IV18 0LF