

The Highland Licensing Board

Meeting – 11 December 2014

Agenda Item	9.2
Report No	HLB/151/14

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

Dows Bar and Restaurant, Balloan Park, Balloan Road, Inverness IV2 4PF.

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence by Hawthorn Leisure Limited, 47 Park Lane, London W1K 1PR per TLT LLP, 140 West George Street, Glasgow G2 2HG.

1.0 Description of Premises

1.1 The premises are a free standing 2-storey building with lounge and public bars. They offer both on and off sales.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Friday 1100 hours to 0100 hours

Saturday 1100 hours to 0030 hours

Sunday 1230 hours to 2400 hours

Off sales:

Monday to Saturday 1100 hours to 2200 hours

Sunday 1230 hours to 2200 hours

3.0 Summary of Variation Application

3.1 Variation Sought

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

(1) Amend on and off sales to 1100 hrs on a Sunday.

(2) Amend terminal on sales hours to 0100 hrs Monday to Sunday

(3) Allow children and young persons' access from 1100 on a Sunday.

(4) Allow children and young persons' access until 2300 hours when consuming a meal and for the duration of any function that they are attending.

4.0 Background

4.1 On 29 September 2014 .the Licensing Board received an application for a major variation of a Premises Licence from the applicant's agent, TLT LLP, 140 West George Street, Glasgow G2 2HG.

4.2 The application was publicised during the period 5 October to 27 October 2014 and confirmation that the site notice was displayed has been received.

4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.

4.4 Notification of the application was also sent to NHS Highland and the local Community Council (Hilton, Milton and Castle Heather).

4.5 Further to this publication and consultation process, no timeous objections or representations have been received.

4.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

5.0 Legislation

5.1 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 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, 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 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 overprovision of licensed premises or licensed premises of that description in the locality.

5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

Application seeks to allow trading in both on and off sales on Sundays to commence from 1100 hours. This is in line with Board policy. Children and Young Persons' access is also requested to be granted from this time. As a community licensed premises offering food provision from this time the LSO sees this as compliant with the fifth Licensing Objective, particularly as access is granted solely to the Lounge Bar and Function area.

Within the Operating Plan the Children and Young Persons Policy application is made to increase Children and Young Persons access to the Lounge Bar and Function Suite area's until 23.00hrs for the purposes of taking a meal or attending a function. This is seen as reasonable and in keeping with the ethos of the fifth Licensing Objective by the LSO, as this part of the Premises is family friendly and is food led. Children and Young Persons are not permitted access to the Public Bar which has a more vertical drinking environment.

The terminal hour for licensing Monday to Sunday is requested to be 0100 hours. This is commensurate with Highland Licensing Board policy.

The premises have a good trading record and have not come to the attention of the Police or LSO in an adverse light.

Should the Board be minded to grant this application, the LSO foresees no compromise to any of the Licensing Objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory Conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local Conditions

Existing local conditions will continue to apply with the addition of Condition A.

8.3 Special Conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

If the Board is minded to refuse 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.

Reference: HC/INBS/28

Date: 28 October 2014

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