

## The Highland Licensing Board

Meeting – 6 January 2015

Agenda Item	8.1
Report No	HLB/006/15

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

The Nip Inn, 20 Grant Street, Inverness IV3 5BL

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for a major variation of Premises Licence by Bydan (Scotland) Ltd, Roslyn House, 14 Links Place, Nairn IV12 4NH per Lorna Murray, Solicitor 45 Culduthel Road, Inverness IV2 4HQ

#### 1.0 Description of Premises

1.1 The premises operate as a public house. They are purpose built located in the shopping area of Grant Street, Inverness and serve the local community. It consists of a single public bar area, cellarage, store and toilets.

#### 2.0 Current Operating Hours

The premises currently enjoy the following operating hours:

##### On sales:

Monday to Saturday: 0900 hours to 2300 hours

Sundays: 1230 hours to 2300 hours

#### 3.0 Summary of Variation Application

##### 3.1 Variation Sought

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

(1) Sundays 1100 hours to 2300 hours

#### 4.0 Background

4.1 On 14 November 2014 the Licensing Board received an application for a major variation of a Premises Licence from the applicant's agent, Lorna Murray, Solicitor, 45 Culduthel Road, Inverness IV2 4HQ.

- 4.2 The application was publicised during the period 19 November until 10 December 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, Merkinch-Central.
- 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](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.

5.3 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:-

The Nip Inn is a small traditional public house situated on Grant Street, Inverness.

The premises have a good history of responsible trading and compliance visits carried out by the LSO has shown the operators to be observing the terms and conditions of their Licence.

The application seeks to permit Sunday trading to commence from 11.00hrs which is in line with current Highland Licensing Board policy hours.

In the opinion of the LSO there would be no adverse effect on the Licensing Objectives should the Board be minded to grant this application.

## **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 and no additional local conditions are considered necessary.

### 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: HCINBS/03

Date: 11 December 2014

Author: Wendy Grosvenor

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