

**The Highland Licensing Board**

**Meeting – 3 February 2015**

Agenda Item	<b>8.2</b>
Report No	<b>HLB/013/15</b>

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

**Pockets 55-67 Castle Street, Inverness IV2 3DU**

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

**Summary**

This Report relates to an application for a major variation of a Premises Licence by Ali Raza Mohammed, 18 Wimberley Way, Inverness, IV2 3XI per Lorna Murray, Solicitor, 45 Culduthel Road, Inverness IV2 4HQ

**1.0 Description of Premises**

The premises are a Sports Bar occupying the ground and first floor of a semi-detached building in a mainly retail/commercial area of Inverness City Centre.

**2.0 Current Operating Hours**

Monday to Saturday 1100 hours to 0100 hours  
Sunday 1200 hours to 2400 hours

**3.0 Summary of Variation Application**

- 3.1 The applicant seeks to vary the premises licence as follows:-
1. Amend on sale hours to allow the premises to open from 11.00 hours to 01.00 hours on Sundays.
  2. Televised sport to be added to the list of facilities to be available outwith core on-sales hours.
  3. At 5(g) add snooker, pool and darts to the list of other activities.
  4. Replace current description of premises:  
'Sports bar occupying the ground and first floor of a semi-detached building in a mainly retail/commercial area of Inverness City Centre.'

**4.0 Background**

- 4.1 On 16 December 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 22 December 2014 to 12 January 2015 and confirmation that the site notice was displayed has been received.

4.3 No notices of objection to the application or representations have been received.

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

No objections or representations have been received from these consultees.

4.5 Notification of the application was also sent to NHS Highland. No Community Council is currently formed.

## **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 (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.

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 is in relation to a licensing objective, the Board must specify the objective in question.

## **6.0 Licensing Standards Officer**

The LSO has provided the following comments:-

- (i) The premises are a substantial pool and snooker venue operating on two floors in Castle Street, Inverness. Bar facilities are offered on the ground floor.
  - (ii) The premises have a trouble free operating history and compliance visits carried out by the LSO have shown the premises to be well managed according to the terms and conditions of their operating plan.
  - (iii) Application is made to allow the premises to trade from 11.00hrs to 01.00hrs Monday to Sunday, which is within the current Highland Licensing Board policy hours.
  - (iv) Application is also made to allow the showing of televised sport out with licensed hours for customer benefit. In addition at 5(g) the addition of the words “snooker, pool and darts” emphasises the Sports Bar nature of the premises. As such the description of the premises has been amended to better describe its core activity of being a “Sports Bar”.
- ) It is the view of the LSO that there is nothing within the application that conflicts with the licensing objectives.

## **7.0 HLB Local Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Statement 2013-16
- (ii) 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 or specific conditions are considered necessary

## **Recommendation**

The Board is invited to determine the above application. If the Board are 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/554

Date: 15 January 2015

Author: Wendy Grosvenor

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