

The Highland Licensing Board

Meeting – 6 October 2015

Agenda Item	10.1
Report No	HLB/103/15

Application for the Provisional Grant of a Premises Licence under the Licensing (Scotland) Act 2005

Black Isle Bar, 68 and 68A Church Street, Inverness IV1 1EN

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a Premises Licence in respect of the Black Isle Bar, 68 and 68A Church Street, Inverness IV1 1EN by Black Isle Brewing Co. Ltd., and David Gladwin, Taebclair, Munloch, Ross shire IV8 8NZ, per Lorna Murray, Solicitor 45 Culduthel Road, Inverness IV2 4HQ

1.0 Description of Premises

1.1 The premises consist of a ground floor bar with beer garden on the first floor part of a larger tenement in the City Centre.

2.0 Operating Hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

3.1 On 25 August 2015 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant's agent, Lorna Murray Solicitor, 45 Culduthel Road, Inverness IV2 4HQ.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

- 3.2 The application was publicised during the period 31 August until 21 September 2015 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 3.4 Notification of the application was also sent to NHS Highland. The local Community Council (Central) is not currently formed.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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

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 are: -

1. that the premises are excluded premises;
 2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 3. that 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, or
 4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:

Application has been made for a provisional premises licence for premises at 68/68A Church Street, Inverness.

The necessary Section 50 certificate in respect of Planning has accompanied the application, as have a full set of lay-out plans.

The application is within the policy hours of the Highland Licensing Board. The operating plan has been reviewed by the LSO and appears to be compliant with the Licensing Objectives.

At the time of writing the applicants via their agent have been requested to complete a noise management plan as they have the activities of live and recorded music completed within Section 5 of the operating plan.

The Children and Young Persons' policy within the operating plan is compliant with the fifth Licensing Objective.

The premises have an outside drinking area at first floor level. As the premises are in a mixed commercial and residential district of the city centre, the LSO has suggested a specific condition that this facility should close to all patrons from 2100 hours inclusive of smokers who should be directed to the front of the premises on Church Street. This will assist with compliance with the third Licensing Objective concerning public nuisance.

6.0 HLB Local Policies

6.1 The following policies are relevant to the application:-

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the Schedule of Local Conditions:

In order to assist with meeting the Licensing Objectives the following Local Licensing Conditions are recommended by the LSO; A,B,C, J (after 2100 hours on every Friday and Saturday evening) and Q.

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

j After 2100 hours on every Friday and Saturday evening the premises licence holder shall ensure that there is adequate stewarding at all relevant entrances and egresses to the premises and within the premises.

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 Special Conditions

The Board may wish to consider attaching the following special condition(s):

(1) After 2100 hours the outside drinking area of the premises shall be closed to all patrons.

(2) During the playing of any live or recorded music all windows and doors will require to be kept closed.

(3) A written noise management plan acceptable to the Highland Licensing Board must be in place for the Premises and any relevant activity or service being provided must be conducted in accordance with that plan.

On any occasion when the premises are permitted to be open after 0100 hours the following conditions shall apply:

- A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hours. (Mandatory Condition)
- A designated person who is the holder of a personal licence must be present on the premises from 0100 hours. (Local Condition).

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s). 7.2 and 7.3 above.

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/583

Date: 23 September 2015

Author: Wendy Grosvenor

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