

The Highland Licensing Board

Meeting – 14 June 2016

Agenda Item	9.1
Report No	HLB/051/16

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Sunny's Sports Bar (formerly known as The Basement), 19 Middle Street, Fort William, PH33 6DP

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Iain Rodger, t/a Sunny's Sports Bar Limited.

1.0 Description of Premises

1.1 The premises is situated at the rear of 23 High Street within the Fort William town centre. The entrance to the premises is from Middle Street. The premises comprise a lounge bar with a designated dance floor, office, cellar and ladies and gents toilets.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Wednesday: 1800 hours to 0100 hours
Thursday to Saturday: 1800 hours to 0300 hours
Sunday: 1300 hours to 0100 hours

Off sales:

Monday to Saturday: 1800 hours to 2200 hours
Sunday: 1300 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) Vary existing on-sale core hours as follows:
Monday to Sunday : 1100 hours to 0100 hours
- (2) Vary existing off-sale core hours as follows:
Monday to Sunday: 1100 hours to 2200 hours
- (3) Update children's policy to reflect change to operation of premises.
- (4) Amend layout plan to remove hot dog stall/bar area at rear of premises.
- (5) Revise description of premises to reflect change in operation of premises.

4.0 Background

- 4.1 On 10 May 2016 the Licensing Board received an application for a major variation of a premises licence from Iain Rodger, t/a Sunny's Sports Bar Limited.
- 4.2 The application was publicised during the period 11 May 2016 until 1 June 2016 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. At the time of consultation, the local Community Council was not constituted.
- 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:-

- (i) The premises concerned occupy a central position within the town centre of Fort William. The premises have had a satisfactory operating history and compliance visits carried out by the Licensing Standards Officer have revealed no adverse issues.
- (ii) The principal change within the application is that the premises are relinquishing their late opening hours entitlement on Thursday, Friday and Saturday evenings and trading to the normal compliment of on and off-sale hours.
- (iii) The relevant changes are all within the Highland Licensing Board policy hours.
- (iv) The description of the premises has been altered in order to accurately reflect the new changes in operation.

- (v) With the change in operation to a more conventional on-sales bar environment, the times when children and young persons are permitted access has been increased. What is proposed within the operating plan is acceptable in the view of the Licensing Standards Officer in order to meet the fifth licensing objective.
- (vi) The layout of the premises are slightly altered in that a hot dog counter area has been removed. This had been included originally to comply with late night opening conditions relating to the provision of food.

7.0 Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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

Given the change in operation of the premises, it is recommended that the existing local conditions be removed and replaced with the following local conditions:

- (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.
- (H) Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.

- (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.

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para.8.2 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/RSL/1570

Date: 2 June 2016

Author: IC/JT

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