

The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	8.6
Report No	HLB/071/16

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

Clachnaharry Inn, 17/19 High Street, Clachnaharry, Inverness, IV3 8RB

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Greene King Retailing Limited, Westgate Brewery, Bury St Edmonds, Suffolk, IP33 1QT.

1.0 Description of premises

1.1 Stand alone, two storey property with main road location. The public house occupies the ground floor and consists of a public bar, a lounge bar with lower mezzanine area and an external drinks terrace. The basement houses the cellarage.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

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

Off sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1200 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) Allow on sales to commence from 1100 hours on Sunday.

(2) Allow off sales to commence from 1100 hours on Sunday.

(3) 6(d) Children and Young Persons to be admitted up until 2200 hours until the end of meal or up until the end of any family type celebration, which may be being held in the lounge.

4.0 Background

4.1 On 15 June 2016 the Licensing Board received an application for a major variation of a premises licence from Greene King Retailing Ltd.

4.2 The application was publicised during the period 27 June until 18 July 2016 and confirmation that the site notice was displayed has been received.

4.3 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.

4.4 Notification of the application was also sent to NHS Highland and the local Community Council.

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 Clachnaharry Inn is a popular public house/restaurant on the banks of the Caledonian Canal, the premises comprise a public bar, lounge bar/dining room and outside drinking area.

(ii) The premises licence holder is Greene King Retailing Limited, who lease the premises to a tenant. The premises have a very good trouble free operating history and compliance checks carried out by the LSO have shown the Premises are run according to the requirements of the Licensing (Scotland) Act 2005.

(iii) Application has been made to commence Sunday trading in both on and off sales from 1100 hours. This is within Board policy and in the view of the LSO will create no adverse impact in respect of the licensing objectives.

(iv) In addition, an expansion of the existing children and young person policy has been requested. This will allow children and young persons to be admitted up to 2200 hours and remain until the end of a meal. It will also allow children and young persons to attend private functions and remain for the duration of the function, which will be held in the lounge part of the premises only. The lounge area is family friendly, and is the main area for food provision. It is also a suitable area for functions and is entirely appropriate for children and young persons. It is the LSO's view that the changes to the children and young persons' policy still meet the requirements of the fifth licensing objective.

7.0 HLB local 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

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

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/311

Date: 19 July 2016

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