

The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	8.7
Report No	HLB/072/16

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

Chieftain, 2 Millburn Road, Inverness, IV2 3PS

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Punch Partnership Limited, Jubilee House, Second Avenue, Burton on Trent, DE14 2WF.

1.0 Description of premises

1.1 Hotel with outdoor drinking/smoking area, function room and conservatory, public bar and lounge with conservatory.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Friday: 1100 hours to 0100 hours
Saturday: 1100 hours to 0030 hours
Sunday: 1230 hours to 2400 hours

Off sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1230 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 from 1100 hours on Sundays.
- (2) Allow off sales from 1100 hours on Sundays.

4.0 Background

- 4.1 On 8 June 2016 the Licensing Board received an application for a major variation of a premises licence from Punch Partnership Limited.
- 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 Chieftain Hotel is a large hotel with a popular public bar situated on Millburn Road, Inverness. The premises licence holders are Punch Partnership Limited, an experienced company who specialise in leasing licensed premises to tenants. The premises are well run and compliance visits conducted by the LSO have revealed the premises are run according to the requirements of the Licensing (Scotland) Act 2005.

(ii) Application has been made to extend the current trading hours of the premises by allowing the commencement of on and off sales trading from 1100 hours on Sunday mornings. Such an extension of hours is within the policy hours of the Highland licensing Board. The LSO is of the opinion that should the Board be minded to grant this application, there will be no adverse impact in respect of the licensing objectives.

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

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: HC/INBS/393

Date: 19 July 2016

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