

## The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	12.2
Report No	HLB/060/17

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

Lauders, 16 Church Street, Inverness, IV1 3EB

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for a major variation of premises licence by Stonegate Pub Company Limited, c/o Codan Trust Company (Cayman) Limited, 2681 Cricket Square, Grand Cayman, Cayman Islands, KY1 1111.

#### 1.0 Description of premises

1.1 Traditional Scottish pub occupying the corner of Church Street and Baron Taylors Street in Inverness city centre, catering for a cross section of clientele and surrounded by commercial and residential properties.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Saturday: 1100 hours to 01.00 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) Amend on sales for Thursday, Friday and Saturday to terminate at 0300 hours rather than 0100 hours.

(2) Amend on sales for Sunday to commence at 1100 hours and terminate at 0100 hours.

(3) Amend off sales for Sunday to commence at 1100 hours rather than 1200 hours.

(4) Amend Q5 of the operating plan (dance facilities) to Yes, Yes, No.

(5) Layout plan amended to show the area which will be used for dance facilities (Plan No. S1094-001 Rev A).

(6) Description of the premises to read:

“Traditional Scottish pub offering entertainment, occupying the corner of Church Street and Baron Taylors Street in Inverness city centre. Cross section of clientele 18-80. Meals served during the day and sport is shown on plasma screens. Quiz nights, karaoke, DJ. Located on ground floor and basement of tenement building. Three floors above occupied by firm of solicitors. Within the basement area is situated the cellars, kitchen and office. On the upper level there is a public area and toilets.”

#### **4.0 Background**

4.1 On 18 April 2017 the Licensing Board received an application for a major variation of a premises licence from Stonegate Pub Company Limited.

4.2 The application was publicised during the period 24 April until 15 May 2017 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.

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://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

#### **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) Lauders is a popular and busy city centre bar situated at the junction of Church Street and Baron Taylors Street, Inverness. The licensing history of the premises has been satisfactory and compliance checks by the LSO have shown appropriate levels of diligence and compliance. The premises are an active member of the local pub watch scheme.

(ii) Application has been made by the licence holders to operate "late opening" hours on Thursday to Saturday in line with the Board's current policy for this category of premises. The premises have been visited by the LSO and conform with the guidance within the policy in respect of dedicated dance floor and "significant" entertainment. CCTV is already installed and Police Scotland have been advised in order that it can be inspected, to ascertain if it meets their standards. The applicants' agent is required to ensure their clients submit policies concerning drugs and evacuation as required by the mandatory late opening conditions.

(iii) As "significant entertainment" will involve the playing of live and recorded music, a noise management plan is required to ensure that the third licensing objective concerning public nuisance, has been taken into account and mitigated. Several residential units are close at hand, both in the form of private

accommodation and hotels, complaints of noise have been received in the past, which have been dealt with by informal resolution. This requires to be more formally managed, with the prospect of regular entertainment.

(iv) Sunday hours have been requested to be changed to allow hours of on sale from 1100 to 0100 hours which is in line with Board policy. Sunday off sales will commence from 1100 hours. In the view of the LSO, this will cause no issue in respect of the licensing objectives.

(v) Some minor alterations are incorporated at section 5 of the operating plan, which amend the licence in line with the entertainment provision. Amended layout plans showing the dance area have been submitted. The description of the premises has also been updated to accurately reflect the provision of "entertainment".

(v) The applicants are fully aware of their responsibilities to provide SIA stewards and licensed first aid personnel.

## **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 (b), (c) and (h) will continue to apply with condition (j) to be amended and it is recommended that the following additional local conditions be attached:

(b) Whilst in any room with a bar counter 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 condition (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.

(i) Any music or live performance to terminate at 0245 hours.

(j) On any day that the premises are to remain open after 0100 hours the premises licence holder shall ensure that there is adequate stewarding at all relevant entrances and egresses to the premises and within the premises.

(n) The licence holder shall ensure the provision of an effective means of recording the capacity during the premises hours of operation.

(o) On any day for which the terminal hour specified in this licence is later than 0100 hours the following day, alcohol may be sold on the premises after 0100 hours only while entertainment as detailed in the operating plan is being provided and has been provided continuously from no later than 2200 hours.

### 8.3 Special conditions

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

- (1) During the playing of any live or recorded music all windows and doors will remain shut. (licensing objective 3).
- (2) No glass disposal shall take place after 2300 hours or before 0700 hours. (licensing objective 3).
- (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. (licensing objective 3).
- (4) The late hours entitlement contained within this licence will only come into effect when acceptable drug and evacuation policies have been lodged with the board and confirmation has been received that a CCTV system approved by Police Scotland has been installed within the premises. (licensing objectives 1 and 2).

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 8.2 and 8.3 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/25

Date: 16 May 2017

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