

The Highland Licensing Board

Meeting – 3 October 2017

Agenda Item	9.3
Report No	HLB/110/17

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

The Dog House (formerly Thistle Whistle), 2-10 Queensgate, Inverness, IV1 1DA

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Caledonian Heritable Limited, 4 Hope Street, Edinburgh, EH2 4DB.

1.0 Description of premises

1.1 City centre bar/diner occupying part of the ground floor and basement of a tenement building in mixed retail and residential occupation with three floors above.

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) Change the premises trading name to 'The Dog House'.

- (2) Amend on sales Saturday terminal hour to 0100 hours rather than 0030 hours.
- (3) Amend on sales Sunday hours to commence at 1100 hours rather than 1230 hours and terminate at 0100 hours rather than 2400 hours.
- (4) Off sales to commence on Sunday at 1100 hours rather than 1230 hours.
- (5) Seasonal variations to be amended: 'The premises will operate policy hours granted by the Board in relation to festive and other extensions.'
- (6) Board games to be added to 'other activities' and indoor sports, pool and darts to be added to the 'list of activities'.
- (7) Remove karaoke evenings and reference to juke box.
- (8) Amend children and young persons' policy: 'admission to provide that children and young persons' must be accompanied at all times and to allow children and young persons', at the discretion of the management to be present for a meal and also for the purpose of partaking in and viewing sport and other entertainment and to attend private functions.'
- (9) Remove the reference in the operating plan to: 'children and young persons' being permitted in the front area only, until 2000 hours.'
- (10) The changes to the layout are marked on the updated plans. The changes include the removal and reconfiguration of fixed seating, changes to floor levels, reconfiguration of WC provision, a small reduction of the size of the bar counter in the rear area of the premises and the erection of a temporary partition to block access to the lower rear bar area (this partition will be removed at a later date).

4.0 Background

- 4.1 On 22 August 2017 the Licensing Board received an application for a major variation of a premises licence from Caledonian Heritable Limited.
- 4.2 The application was publicised during the period 24 August until 14 September 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

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. that 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 the same or similar description as the subject premises, 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 are a large city centre bar situated near the junction of Queensgate and Academy Street, Inverness. The main entrance to the premises is on Queensgate facilitating public entry, an entrance is also situated on Academy Street but this is not used. The premises have not traded for a considerable period, but a new tenant has been found and the premises have re-opened for business.

(ii) The application seeks to modernise the licence and bring it into line with the majority of city centre bars. Core licensing hours on Saturday and Sunday are now to run from 1100 hours until 0100 hours; off sales on Sunday will commence as from 1100 hours.

(iii) Seasonal variations within the operating plan are now requested as an automatic right in order to enjoy festive extended hours as offered by the Highland Licensing Board. This is akin to most licences within the Inverness city centre.

(iv) Amendment is requested to the children and young persons' policy requiring adult supervision at all times, and to allow their extended presence at management discretion for viewing sport, entertainment and attend privately booked functions.

(v) There has been some minor structural works to the internal layout, which has been incorporated within revised layout plans.

(vi) Having reviewed this variation the LSO is of the opinion that it offers no threat to 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 it is recommended that the following additional local condition(s) be attached:

(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.

(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

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

- (1) 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).
- (2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (local condition)(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/154

Date: 15 September 2017

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