

**The Highland Licensing Board**

**Meeting – 12 January 2017**

Agenda Item	7.2
Report No	HLB/005/18

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

**Blacksmiths, Keppoch Road, Culloden, Inverness, IV2 7LL**

**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 Public house and restaurant with outdoor drinking area situated in the Culloden area of Inverness close to commercial and residential properties.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Thursday: 1100 hours to 2345 hours  
Friday: 1100 hours to 0100 hours  
Saturday: 1100 hours to 0030 hours  
Sunday: 1200 hours to 2300 hours

**Off sales:**

Monday to Saturday: 1000 hours to 2200 hours  
Saturday: 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) Saturday-Thursday: on sales terminal hours to be amended to 0100 hours.

(2) On and off sales to commence on Sunday at 1100 hours.

(3) Yes to seasonal variation: an additional hours for the sale of alcohol over the festive period.

(4) Q5(c) – TV sport: amend column three to 'Yes', to allow for TV sport to be shown within core hours.

(5) At Q5, replace the existing text with the following: "Food and non-alcoholic drinks may be provided for the purpose of funerals/meetings in the lounge/restaurant prior to core hours.

#### Activities

The activity/activities or services will cease 15 minutes after the terminal hour for the sale of alcohol.

The activity/activities and/or services will be provided during the additional hours sought as detailed in reply to Q4.

(6) At Q5(f) any other activities, replace existing text and insert the following: "karaoke, disco, takeaway food, including home deliveries (of food only) and any other activity appropriate to the target market."

#### Children's access

(7) At Q6(d) times, replace existing text with the following: "From the premises opening until 2100 hours, or when consuming a meal, or when attending a function until the terminal hour."

(8) At Q6(e) replace existing text with the following: "All public parts except the bar area."

## **4.0 Background**

4.1 On 3 November 2017 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 15 November until 6 December 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. 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 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

- 5.3 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.

- 5.4 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) Blacksmiths, Culloden is a large public house situated in the centre of Culloden. The premises have operated successfully for several years under various tenants. The premises have not been the subject of any complaint. Punch Partnership Limited who are the premises licence holders provide good packages of support to their tenants, to assist in meeting the requirements of the Licensing (Scotland) Act 2005. LSO checks carried out have revealed good levels of diligence.

(ii) Application has been made to vary the premises licence to allow trading until, 0100 hrs each day; and commencement of off sales hours from 1100 hrs on Sunday. Such changes are within the current policy hours of the Highland Licensing Board and such changes would not in the opinion of the LSO, adversely affect the licensing objectives.

(iii) Seasonal variations have been requested within the operating plan, within the activities section, at section 5 of the operating plan televised sport at 5(c) has been requested within core hours. Revised wording in the ancillary boxes provided at the end of section 5 have been requested, to accurately reflect the range of activities offered by the premises.

(iv) The text within section 6(d) and (e) has been amended and, in the view of the LSO, is in keeping with the fifth licensing objective concerning the protection of children and young persons.

(v) In summation, the LSO is of the opinion that should the Highland Licensing Board be minded to grant this application, there would be no adverse effect on 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/99  
Date: 8 December 2017  
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