

## The Highland Licensing Board

Meeting – 6 February 2018

Agenda Item	8.2
Report No	HLB/011/18

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

Halladale Inn, Melvich, KW14 7YJ

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Sharlene Moore, Halladale Inn, Melvich.

#### 1.0 Description of premises

1.1 The Halladale Inn is a single storey detached public house and restaurant comprising lounge bar, 36 seater restaurant, kitchen, toilet facilities and associated parking. Premises open at 0830 hrs subject to demand. Four separate self-catering chalets form part of the business.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Thursday: 1100 hours to 2300 hours  
Friday: 1100 hours to 0100 hours the following day  
Saturday: 1100 hours to 2345 hours  
Sunday: 1100 hours to 2300 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) Remove local conditions a and b and substitute conditions appropriate to the applicant's terms of entry for children and young persons.

- (2) Remove local condition e – not required.
- (3) Remove local condition g so as to either have “no curfew” or a curfew for a time later than 2100 hrs.
- (4) Increase on sales licensed hours on Saturday to Thursday to terminate at 0100 hrs the following day.
- (5) Increase on sales licensed hours on Sunday to commence at 1100 hrs.
- (6) Increase off sales licensed hours to commence at 1000 hrs daily.
- (7) Amend list of activities and services so as to permit indoor and outdoor sports outwith core licensed hours.
- (8) At 5(f) other activities add that a marquee or other temporary structure may be erected in the outdoor area from time to time for events and functions.
- (9) Delete existing entries at 6(b), (d) and (e) Children and Young Persons and substitute 6(b) TERMS – At the discretion of the management unaccompanied children and young persons may be permitted on the premises failing which they must be accompanied or supervised by an appropriate, responsible adult, 6(d) TIMES - At the discretion of management unaccompanied children may be permitted until 1800 hrs failing which they must be accompanied by an appropriate, responsible adult and are not permitted on the premises after 2200 hrs unless consuming a meal or attending a function or viewing a live entertainment. 6(e) PARTS - Children and young persons are permitted in all public parts of the premises but children, unless accompanied by an adult are not permitted to sit in or remain within the area designated as the bar area on the layout plan.
- (10) Amend location plan to include an outdoor area and remove reference to self-catering facilities.
- (11) Minor amendments to layout plan to include office space and reception.
- (12) Delete existing description of premises and substitute a new description to reflect changes in operation of the business.
- (13) Increase capacity from 111 to 200 persons.
- (14) Reduce off-sales capacity from 2.25 m<sup>2</sup> to 1 m<sup>2</sup>.

## **4.0 Background**

- 4.1 On 12 December 2017 the Licensing Board received an application for a major variation of a premises licence from Sharlene Moore.
- 4.2 The application was publicised during the period 18 December 2017 until 8 January 2018 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 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:-
- 6.2 The premises operate as a public house and restaurant and the licence was granted, with grandfather rights, in September 2009.
- 6.3 The premises currently have on-sales licensed hours Sunday to Thursday terminating at 2300 hrs, until 0100 hrs the following day on a Friday and until 2345 hrs on a Saturday. Sunday on-sales hours commence at 1200 hrs and off-sales hours reflect the on-sales commencement times.
- 6.4 The premises licence was recently transferred and following a review of the business the new licence holder applies to vary the premises licence and operating plan as listed above.
- 6.5 The premises are located on the eastern outskirts of Melvich with no residential properties in the immediate proximity. The proposal to erect a marquee from time to time within the grounds for events and functions should not cause any noise issues. The applicant has completed a noise management plan to cover, particularly, music within the premises and any marquee.
- 6.6 The current premises licence is subject to some conditions imposed by the former Caithness and Sutherland Divisional Licensing Board. It is not considered necessary that a restriction on use of the outdoor drinking area and a condition that only alcohol bought on the premises may be consumed on the premises remain necessary. Removal of those conditions should not cause any conflict with the licensing objectives.
- 6.7 The premises are located beside a caravan and camping site operated by the licence holder and the facilities and services provided on the premises are available for guests on the site. Unaccompanied children may be permitted on the premises until 1800 hrs but are not permitted within the vicinity of the bar counter as shown on the layout plan. The applicant has given due consideration to the relevant licensing objective and has appropriate policies and guidance in place.
- 6.8 The reception area is mainly for use by customers from the campsite and a small range of foodstuffs and other products including alcohol for off-sales will be available for sale. Off-sales of alcohol may be permitted from 1000 hrs on any day. The proposed capacity of 1m<sup>2</sup> does not conflict with the Board's policy on overprovision and is a reduction in capacity formerly available within the bar.

6.9 The proposed variations are reasonable and appropriate for this type of business and I have no cause to object to the grant of the variation subject to the undernoted suggested conditions.

## **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**

Delete existing conditions (b), (e) and (g) and it is recommended that the following additional condition be added

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 Late opening local conditions**

In accordance with current Board policy it would be appropriate to impose the under-noted late opening local conditions which shall apply on any occasion that the premises are open after 0100 hrs.

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs ( on any day when the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close, and
- (b) 0500 hrs.

2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close, and
- (b) 0500 hrs

#### 8.4 Special conditions

1. Unaccompanied children and young persons are permitted on the premises but unaccompanied children are not permitted within the designated bar area as identified on the layout plan.
2. All children must be accompanied by a suitable appropriate adult after 1800 hrs.

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at paragraphs 8.2, 8.3 and 8.4 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/CSR/1521

Date: 16 January 2018

Author: L Gunn

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