

The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	9.1
Report No	HLB/021/18

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

Commercial Hotel, 23 High Street, Alness

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Graeme Robertson and Amanda Robertson.

1.0 Description of premises

1.1 The Commercial Hotel is a detached property in Alness town centre. The ground floor consists of a public bar and lounge bar with letting rooms on the first and second floor. The hotel was granted a premises licence, on transition, on 1 September 2009.

2.0 Summary of variation application

2.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

1. Amend premises description to remove extraneous details.
2. Delete existing terms of entry for children and young persons and substitute new version to allow unaccompanied children aged 12-15 years and young persons to be on the premises for the purpose of having a meal between 1100 hrs and 1900 hrs within a designated part of the lounge bar.
3. Amend the layout plan to show designated area for unaccompanied children and young persons.
4. Remove local condition (b) and substitute new specific condition appropriate for the amended terms of entry for children and young persons.
5. To activities and services to be provided during and outwith core hours add theatre and films.
6. To activities and services to be provided outwith core hours add conferences, receptions, club or other group meetings, music, live performances, dance, indoor/outdoor sports, and televised sport and add an explanation for the requirement.
7. Delete existing list of additional activities and services at 5(f) and add race nights, charity events, race nights, bingo and quiz nights.

8. Add a seasonal variation during the festive period.
9. Reduce capacity from 243 to 226 persons.

3.0 Background

- 3.1 On 13 February 2018 the Licensing Board received an application for a major variation of a premises licence from Graeme Robertson and Amanda Robertson.
- 3.2 The application was publicised during the period 16 February to 9 March 2018 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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

4.0 Legislation

- 4.1 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.
- 4.2 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.

4.3 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.

4.4 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.

4.5 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (1) The premises operate as a hotel with a public bar, lounge bar/restaurant, dining and functions room and associated facilities.
- (2) The existing terms of entry for children and young persons require that such persons are accompanied by a suitable appropriate adult while on any part of the premises containing a bar counter. The licence holder has identified a demand for unaccompanied children aged 12-15 years and unaccompanied young persons to be permitted on the premises within a designated area of the lounge bar/restaurant for the purposes of having a meal on the premises.
- (3) The licence holder is also taking this opportunity to make some additional minor amendments to the licence including increasing the terminal hours for on-sales on a Sunday to terminate at 0100 hrs the following day and to add a seasonal variation to take advantage of any period of extended hours agreed by the Board for the festive period. The premises may open for non-residents prior to the commencement of licensed hours and the operating plan is amended to show which activities and services may be provided outwith core hours.
- (4) The applicant has given due consideration to the licensing objectives and, in particular, that of protecting children and young persons from harm. Unaccompanied children and young persons will be permitted only within the lounge bar/restaurant for the purposes of having a meal and will be restricted to a designated area within that room and subject to table service only.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

7.0 Conditions

7.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

7.2 Local conditions

Delete local condition (b) and it is recommended that the following additional local condition be attached:

- 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.

7.3 Special conditions

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

1. Whilst in any room with a bar counter all children and young persons must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children aged 12 to 15 years and young persons who are within the lounge bar/restaurant between 1100 hrs and 1900 hrs on any day for the purpose of having a meal on the premises and seated within the designated children and young persons dining area as shown on the layout plan.

7.4 Special late hours conditions

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 or such other time as the Licensing Board may specify.

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 para(s) 7.2, 7.3 and 7.4 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/0912
Date: 13 March 2018
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