

**The Highland Licensing Board**

**Meeting – 27 March 2018**

Agenda Item	<b>9.10</b>
Report No	<b>HLB/030/18</b>

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

**Platform 8 (formerly The Exchange), 38-40 Academy Street, Inverness, IV1 1JT**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Greene King Retailing Ltd, Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT.

**1.0 Description of premises**

1.1 End of terrace two storey building located on Academy Street close to the Railway Station in the city centre, surrounded by mainly commercial premises.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Sunday: 1100 hours to 0100 hours

**Off sales:**

Monday to Sunday: 1100 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 and off sales core hours to commence at 1000 hrs seven days a week.

(2) Amend core on sales hours to terminate at 2400 hrs Sunday to Thursday.

## **4.0 Background**

- 4.1 On 22 December 2017 the Licensing Board received an application for a major variation of a premises licence from Greene King Retailing Ltd.
- 4.2 The application was publicised during the period 8 January until 29 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 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) Platform 8 is a substantial city centre bar/restaurant situated on Academy Street, Inverness. The premises have held an alcohol premises licence since 2009 under the Licensing (Scotland) Act 2005. The operational track record has been sound and several compliance visits made by the LSO have shown the premises to be well managed and compliant with the conditions contained within the licence. The premises are members of the local pub watch and regularly achieve the gold standard in the annual best bar none awards.

(ii) Application has been made by the premises licence holders, to allow trading in alcohol from 1000 hrs Monday to Sunday. This is to permit alcohol to be served as an accompaniment to food prior to 1100 hrs. Specific allowance is made for such premises within the current HLB policy statement for food led premises. It is the view of the LSO that the premises are food led, as they offer a substantial menu which operates throughout the day. A full breakfast menu will be offered from 1000 hrs and the applicants are willing to accept a condition, that any alcohol sales made prior to 1100 hrs will only be sanctioned as an accompaniment to food.

(iii) On Sunday to Thursday the premises have asked to reduce core hours to shut at midnight, thereby observing the 14 hour trading day referred to within the HLB policy statement. The premises request to maintain their 0100 hrs closing times for Fridays and Saturdays, in order to adequately cater for evening trade. This request is seen as reasonable by the LSO. The premises offer food provision until 2200 hrs from a full menu. Their track record in terms of public order issues is extremely good, and the evening customers will be a different client group from those providing custom in the morning.

(iv) More importantly, Police (Scotland) have raised no objection to the application.

(v) During the statutory consultation period no objections or observations have been received. The LSO is of the opinion, that should the Board see fit to grant this application, there will be no adverse impact in respect of 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**

There are no existing local conditions and it is not considered necessary to attach any.

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

### **8.3 Special conditions**

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

- (1) No alcohol will be served prior to 1100 hrs unless as an accompaniment to a meal.

## **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition detailed at para(s). 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/383  
Date: 1 February 2018  
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