

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.3
Report No	HLB/065/18

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

Blackfriars, 93-95 Academy Street, Inverness, IV1 1LU

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Andrew Forbes Lewis, Flat 22, 6 Slateford Gait, Edinburgh, EH11 1GX.

1.0 Description of premises

1.1 Located in a three-storey building in the city centre. Consists of a ground floor one roomed lounge bar with adjacent commercial kitchen.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday: 1100 hours to 2400 hours
Friday: 1100 hours to 0100 hours
Saturday: 1100 hours to 0030 hours
Sunday: 1230 hours to 2300 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) Remove local condition 7 - no gaming machines on premises.
- (2) Remove local condition 9 - no dart board or pool table on the premises.

- (3) Change of layout of ground floor; move bar, change position of kitchen, improve toilet provision.
- (4) Increase number of bedrooms and include en-suite for all bedrooms on first and second floor.
- (5) Create balcony for bedrooms 3, 5 and 6 on first floor (subject to planning consent).
- (6) Change description of premises to read: "Family friendly, food led business situated on ground floor with en-suite bedrooms on first and second floors."
- (7) Amend on sales core hours to commence at 1100 hrs on Sunday and terminate at 0100 hrs Saturday-Thursday.
- (8) Amend off sales to commence at 1100 hrs on Sunday.
- (9) Amend seasonal variation to read: "The management of the premises will operate all general extensions of core hours offered by the licensing board, including without prejudice to the generality all festive season hours extensions."
- (10) Q5(a) add in accommodation in columns 2,3,4.
- (11) Q5(c) add in music in column 4; add in Theatre in column 2,3,4.
- (12) All activities in column 4 can take place from 0900 hrs. Accommodation 24 hrs.
- (13) Q5(f) breakfasts, teas, coffees, snacks, meals from 0900 hrs, through core hours but not after core hours; comedians or magicians from time to time (theatre).
- (14) Q6(b) change to read Children and Young Persons shall be entitled to access the premises when accompanied by an adult for meals, snacks, teas, coffees, soft drinks.
- (15) Q6(d) change paragraph 2 to read: daily 0900-2100 hrs.
- (16) Q6(e) change to read under 18s can access all public areas of the premises but may not be served directly at the bar/servery.
- (17) Q7 increasing capacity to 212 persons but reducing off sale capacity to 8.2 sq. metres.

4.0 Background

- 4.1 On 9 May 2018 the Licensing Board received an application for a major variation of a premises licence from Andrew Forbes Lewis.

- 4.2 The application was publicised during the period 14 May until 4 June 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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 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) Blackfriars is a city centre public house, situated at the north end of Academy Street, Inverness. The premises have been licensed since transition. Formerly, the premises solely traded on the ground floor of a three story building. Since the premises have newly transferred into new ownership, a large scale development is planned for the premises; to include, bedroom accommodation on the upper two stories.

(ii) The addition of bedrooms is the largest physical change to the premises and amended layout plans have been submitted. Accommodation has been added to the activities, included within Section 5 of the operating plan. Other activities have been added to the operating plan, to comprehensively cover the range to activities that maybe offered to customers.

(iii) The on sales core hours are requested to be increased to 1100 hours until 0100 hours daily. Off sales are requested to be amended to trade daily from 1100 hours to 2200 hours. Such changes are within the Highland Licensing Board Policy, they are equivalent to the majority on sales hours operated by city centre licensed premises.

(iv) Seasonal variations have been requested, to allow the premises to operate according to any period of extended hours offered by the Board during the festive period. Again, this is now customary for most city centre licensed premises.

(v) The children and young persons' policy has been amended to allow access from 0900 hours to 2100 hours provided the access is with a supervising adult. This complies with the fifth licensing objective.

(vi) In viewing the application in its entirety the LSO is of the view, that it meets 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:

(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 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/148
Date: 12 June 2018
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