

**The Highland Licensing Board**

**Meeting – 2 October 2018**

Agenda Item	<b>10.6</b>
Report No	<b>HLB/102/18</b>

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

**The County Tavern, Hill Street, Dingwall**

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

**Summary**

This report relates to an application for a major variation of premises licence by Ronald J Graham.

**1.0 Description of premises**

1.1 The County Tavern is a ground floor public house premises, formerly part of the Royal Hotel, situated in the centre of Dingwall. The premises was granted a premises licence, on transition, on 1 September 2009.

**2.0 Current operating hours**

2.1 The premises currently has the following operating hours:

**On sales:**

Monday: 1100 hrs to 2300 hrs  
Tuesday: 1100 hrs to 1900 hrs  
Wednesday and Thursday: 1100 hrs to 2300 hrs  
Friday and Saturday: 1100 hrs to 2330 hrs  
Sunday: 1230 hrs to 2300 hrs

**Off sales:**

Monday: 1100 hrs to 2200 hrs  
Tuesday: 1100 hrs to 1900 hrs  
Wednesday to Saturday: 1100 hrs to 2200 hrs  
Sunday: 1230 hrs to 2200 hrs

### **3.0 Summary of variation application**

#### **3.1 Variation sought**

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

- (1) Increase the licensed hours for on-sales on a Tuesday until 2300 hrs, and Friday and Saturday to terminate at 0100 hrs the following day, and for on and off-sales on a Sunday to commence at 1100 hrs

#### **4.0 Background**

- 4.1 On 15 August 2018 the Licensing Board received an application for a major variation of a premises licence from Ronald J Graham.
- 4.2 The application was publicised during the period 24 August to 14 September 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](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.

- 5.1 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.

5.3 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.

5.4 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.

5.5 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

- (1) The premises currently operate as a public house with on-sales hours of -

Monday	1100 to 2300 hrs
Tuesday	1100 to 1900 hrs
Wednesday	1100 to 2300 hrs
Thursday	1100 to 2300 hrs
Friday	1100 to 2330 hrs
Saturday	1100 to 2330 hrs
Sunday	1230 to 2300 hrs
- (2) Off-sales hours commence at 1100 hrs Monday to Saturday and at 1230 hrs on a Sunday
- (3) Arising from a change of management of the premises the applicant wishes to increase licensed hours to terminate at 2300 hrs Sunday to Thursday and 0100 hrs the following day on a Friday and Saturday and, on a Sunday, to commence at 1100hrs.

- (4) The proposed licensed hours are within Board policy and I have no cause to object to the grant of this application.
- (5) It is noted that persons under the age of 18 are not permitted on the premises. It would be appropriate to remove the sole local condition requiring that dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer as that condition is aimed at premises where children and young persons are permitted.

## **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 local condition (h).

## **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/CSR/1030  
Date: 18 September 2018  
Author: G Sutherland