

## The Highland Licensing Board

Meeting – 2 April 2019

Agenda Item	7.2
Report No	HLB/027/19

### Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

Premier Inn Hotel, Former Thurso Auction Mart, Ormlie Road, Thurso

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for the provisional grant of a premises licence in respect of Premier Inn Hotel, Former Thurso Auction Mart, Ormlie Road, Thurso.

#### 1.0 Description of premises

1.1 The proposal is for the development of a hotel with accommodation, food and beverage area and associated facilities on a vacant site at Ormlie Road, Thurso.

#### 2.0 Operating hours

The applicant seeks the following **on** and **off sale** hours:

##### On sales:

Monday to Sunday: 1100 hrs to 0100 hrs

##### Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

#### 3.0 Background

3.1 On 21 December 2018 the Licensing Board received an application for the provisional grant of a premises licence from Whitbread Group plc.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.3 The application was publicised during the period from 21 January to 11 February 2019 and confirmation that the site notice was displayed has been received.

- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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)

#### **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 are: -
1. that the premises are excluded premises;
  2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
  3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
  4. that having regard to;
    - (i) the nature of the activities 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, or
  5. 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 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

The applicant has recently been granted planning permission for a hotel with accommodation, food and beverage area and associated facilities to be constructed on a vacant site between Thurso Railway Station and Thurso High School.

The applicant operates five premises under the trading name of Premier Inn in the Highlands and this is their first venture north of Inverness.

The plans for the premises show 81 bedrooms and public areas including a restaurant and bar area capable of accommodating 72 persons. An area at the main entrance at the front of the premises has been identified for use as an outdoor drinking area. There is no direct access to that area from the restaurant and bar.

The applicant has applied for the maximum available policy hours for on-sales and included a range of services and activities to be provided during and outwith core licensed hours. The licensed hours and activities and services referred to in the operating plan are appropriate for this type of operation.

The terms of entry for children and young persons require that children must be supervised by an adult when in any public part of the premises and are not permitted in the restaurant/bar area after 2200 hrs unless taking or finishing a table meal. At the discretion of the management unaccompanied young persons are permitted prior to 2200 hrs after which they too must be under adult supervision.

While not raised formally as an objection or representation I have been made aware of some concerns concerning the proximity of the premises to Thurso High School, and, in particular, that of pupils taking advantage of facilities and services which may be available on the premises and the outdoor drinking area at lunch times and the end of the school day.

I have had discussion with the applicant's agent who has made me aware of the strict policies the chain has in respect of protecting children and young persons from harm and in support of the other licensing objectives. The agent has offered to arrange a meeting between the hotel's management and the school's management team before the premises commence trading to discuss any matters of concern and to demonstrate ongoing engagement with the licensing objectives. I have confirmed that the school management team will be pleased to attend such a meeting.

I am satisfied that the applicant has given due regard to the licensing objectives and I have no cause to object to the grant of this provisional licence.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the schedule of local conditions:

- a. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hrs except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- b. Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- c. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

- 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 conditions for 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; and
2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which 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

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras 7.2 and 7.3 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/CSR/1888  
Date: 19 March 2018  
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