

## The Highland Licensing Board

Meeting – 1 October 2019

Agenda Item	10.1
Report No	HLB/090/19

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

The Kings Highway, 72-74 Church Street, Inverness, IV1 1EN

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by JD Wetherspoon (Scot) Ltd, c/o Brunton Miller, 22 Herbert Street, Glasgow, G20 6NB.

#### 1.0 Description of premises

1.1 City centre bar and restaurant with a small outdoor drinking area.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

(1) Removal of the requirement to have stewarding on Sunday.

#### 3.0 Background

3.1 On 15 July 2019 the Licensing Board received an application for a major variation of a premises licence from J D Wetherspoon (Scot) Ltd.

3.2 The application was publicised during the period 22 July until 12 August 2019 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](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.

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.

- 4.2 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.

- 4.3 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.

- 4.4 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.

## **5.0 Licensing Standards Officer**

### **5.1 The LSO has provided the following comments:-**

(i) The Kings Highway is a large bar and restaurant within the City Centre of Inverness. It is very busy and as part of the Wetherspoon chain of hotels/pubs has a very large throughput of customers, who take advantage of very competitive food and drink prices offered by this popular national chain. The premises are members of the City Centre Pub Watch and are well run with a good operating history. Compliance visits by the LSO have shown the premises to be run according to the terms and conditions of their alcohol premises licence.

(ii) On Friday and Saturday evenings the premises employ SIA registered door staff in order to provide security and reassurance over the premises busiest trading period. Currently a historical condition exists requiring stewarding presence on a Sunday. The premises make the case that this is no longer required and adequate supervision is provided by the duty personnel. Liaison with Police (Scotland) shows little in the way of Sunday incidents, and in terms of comparison, the vast majority of City Centre premises are not required to provide Sunday stewarding.

(iii) The LSO is content that the existing condition requiring Sunday stewarding can be removed without any adverse impact on the licensing objectives.

(iv) Following the public consultation phase of this application no objections or observations have been received by the Licensing Board.

## **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**

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

Removal of the word “Sunday” from the following licensing condition:

(v) After 2100 hours on Friday and Saturday the licence holder shall ensure that there is adequate stewarding at all relevant entrances and egress to the premises and within the premises.

### 7.3 Special conditions

No special conditions are considered necessary.

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para. 7.2 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/110  
Date: 13 September 2019  
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