

The Highland Licensing Board

Meeting – 14 January 2020

Agenda Item	8.1
Report No	HLB/005/20

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

Breadalbane House Hotel, 20 Breadalbane Crescent, Wick

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Firm of Breadalbane House Hotel in respect of Breadalbane House Hotel, 20 Breadalbane Crescent, Wick.

1.0 Description of premises

1.1 The premises comprise of a 10 bedroom detached hotel with public bar, dining room and outdoor drinking area in a residential area in Wick. 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 to Thursday: 1100 hrs to 2400 hrs
Friday and Saturday: 1100 hrs to 0100 hrs
Sunday: 1230 hrs to 2345 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- 1) extend opening hours on Sundays to Thursdays to terminate at 0100 hrs and commence on Sundays at 1100 hrs;
- 2) add off-sales with daily hours of 1000 hrs to 2200 hrs;
- 3) redefine children and young persons policy;
- 4) add seasonal variation to take advantage of the Board's festive policy;
- 5) to activities/entertainment remove conferences and dance facilities,
- 6) add films within core hours and receptions outwith core hours;

- 7) provide explanation for when activities/entertainment is provided outwith core hours;
- 8) amend layout plan to show relocation of bar counter and areas for admission of children and young persons;
- 9) amend premises licence description.

4.0 Background

- 4.1 On 11 November 2019 the Licensing Board received an application for a major variation of a premises licence from The Firm of Breadalbane House Hotel.
- 4.2 The application was publicised during the period 18 November to 9 December 2019 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.
- 5.2 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:-

- a) The Breadalbane House Hotel is a two storey detached property, situated near the Harbour in Wick.
- b) The premises includes 10 letting bedrooms, a public bar, outdoor drinking area and a separate dining/function room.
- c) The premises has recently undergone a refurbishment which includes the relocation of the bar counter within the public bar as shown on the layout plan. The applicant is now seeking to appeal more to families and food provision. Accordingly, a major variation application has been submitted to expand the scope of the children and young persons policy to allow greater access and to allow families to dine together for the full extent of the food provision.
- d) In addition, the Sunday trading hours for both on and off sales are requested to commence from 1100hrs on each day. The applicant also requests terminal hour throughout the week for on sales be increased to 0100hrs which is within policy.
- e) The LSO visited the premises which have been refurbished to good standard, and are now much more family orientated, and in the LSO's view, the operating plan meets the standard of the fifth licensing objective for protecting children and young persons from harm.
- f) The changes in policy hours are within current Board policy.
- g) In the LSOs opinion, these changes do not impact adversely on the licensing objectives.
- h) Following the public consultation phase of this application no objections or observations have been received by the Licensing Board.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 conditions be attached:

- m. After 2100 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.
- n. The playing of live or recorded music in any outdoor drinking area shall be restricted to between the hours of 1100 hrs and 2100 hrs.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed additional local conditions detailed at para 8.2 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/CSR/0755
Date: 17 December 2019
Author: G Sutherland