

The Highland Licensing Board

Meeting – 1 August 2023

Agenda Item	8.6
Report No	HLB/087/23

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

Lauders, 26 Church Street, Inverness, IV1 1EB - 25

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Stonegate Pub Company Limited, 2681 Cricket Square, Grand Cayman, Cayman Islands, KY1 1111.

1.0 Description of premises

1.1 Lauders is a traditional Scottish Pub offering entertainment, occupying the corner of Church Street and Baron Taylor Street in the centre of Inverness.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 0100 hours
Thursday to Saturday: 1100 hours to 0300 hours
Sunday: 1100 hours to 0100 hours

Off sales:

Monday to Sunday. 1100 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) Terminal hours on Wednesdays, substitute 0100 hrs for 0300 hrs.

4.0 Background

- 4.1 On 3 May 2023 the Licensing Board received an application for a major variation of a premises licence from Stonegate Pub Company Limited.
- 4.2 The application was publicised during the period 29 May until 19 June 2023 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & 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:

www.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) Lauders is a busy City Centre venue, which currently trades on Thursday to Saturday until 03.00 hrs with late hours entitlement.

(ii) The Premises have a satisfactory operating history.

(iii) Application has been made by the operators, to extend this late hours operation on Wednesday evenings as well, until 03.00 hrs. Such an application is currently out with HLB Policy which provides for late opening solely on a Thursday to Saturday basis.

(iv) The reason for the application is an economic one, hoping to capture additional trade, by having a further night's late operation. It will be a matter for the Board to decide if they are willing to step outside their current policy.

(v) The views of Police Scotland will also be relevant as the late hours policy was developed to ensure Police resources were not overburdened with City centre policing.

(vi) From an LSO perspective the premises have proved fully able to meet the late opening conditions and operate in a responsible way. Currently there are other City Centre venues able to open for late hours on Wednesday through "grandfather rights".

(vii) During the public consultation phase of this application, no objections or representations were received by the 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 no additional local conditions are considered necessary.

8.3 Special conditions

Existing special conditions will continue to apply and no additional 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/special condition(s) detailed at para(s). 8.2 and 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/INBS/25
Date: 4 July 2023
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