

The Highland Licensing Board

Meeting – 24 October 2023

Agenda Item	9.1
Report No	HLB/115/23

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

Hootananny, 67 Church Street, Inverness, IV1 1DR

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Earnpark Ltd, Knockbain, Kirkhill, Inverness, IV5 7PL.

1.0 Description of premises

1.1 Hootananny bar is situated on the ground floor of a three storey building on Church Steet in Inverness City Centre.

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 0200 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) Extend terminal hours Wednesday, Thursday, Friday and Saturday until 03.00 hrs

4.0 Background

- 4.1 On 21 August 2023 the Licensing Board received an application for a major variation of a premises licence from Earnpark Ltd.
- 4.2 The application was publicised during the period 30 August until 20 September 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) Hootananny is a well established hybrid late hours premises operating in Inverness City Centre.

(ii) Premises have operated from 2009 in a satisfactory manner. Recently they have condensed their operation into the ground level bar area, where live musical entertainment is regularly offered.

(iii) Currently they have extended hours on Thursday to Saturday until 2am. Application is made to increase hours on a Wednesday to Saturday until 3am.

(iv) At present HLB Policy supports 3am hours on a Thursday to Saturday basis, however, at recent Boards there has been approval for extended hours on Wednesdays, where Police support to the application has been forthcoming.

(v) In the opinion of the LSO, the premises have always met the criteria for late hours and complied fully with the late night mandatory conditions, accordingly, in his view, there is no threat to the licensing objectives.

(vi) The application has been advertised via a site notice at the premises for 21 days and no objections or representations have been 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.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 8.2 and 8.3 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/INBS/276
Date: 9 October 2023
Author: Marjory Bain