

## 37187 Council's Liquor Licensing/Planning Departments

### SCENARIO

An historic building, (not listed but located in conservation area) with main entrance opening directly onto a narrow public footpath and a car park to its rear, has operated for many years as an Hotel for Guests, with Bar & Restaurant facilities available to non-residents.

Following extensive internal modifications, customer numbers increased very considerably. The increased volume of custom reflects in the number of vehicles competing for car parking space within the premises boundary.

The excess/overspill vehicles park on the public highway to the front of the building, causing distress, inconvenience, noise and obstruction to adjacent residential dwellings.

Delivery/collection of Hotel goods/products/services, some of which commence at 05:00hrs, take place on the public highway, exacerbating existing disruption to adjacent residents.

### QUESTION

Would Council's Liquor Licensing/Planning Departments expect or require submission of a revised Operating Plan and premises capacity statement;

- (a) prior to modifications
- (b) require no notification of Pre or Post modifications, or
- (c) take action only on receipt of public complaint?

In the scenario set out, in relation to the extensive internal modifications referred to, if they form part of the licensed premises, the premises would have been required to submit a Premises Licence Variation Application as set out in Sections 29 and 30 of the Licensing (Scotland) Act 2005. This would have to be submitted before any changes were carried out that proposed to change any of the following information;

- conditions of the premises licence
- information in the operating plan including a change to the capacity
- the layout plan for the premises
- any other information contained in the operating plan contained within the licence

The Variation Application is advertised for a period of at least 21 days for consultation before the application is considered by the Licensing Board which has powers to grant, vary or refuse the requested variation having regard to the legislation, the licensing objectives and the Licensing Board policy statement.