

## The Highland Licensing Board

Meeting – 6 August 2013

Agenda Item	8.2
Report No	HLB/082/13

### Application for the grant of a Premises Licence under the Licensing (Scotland) Act 2005

#### Report by the Clerk of the Licensing Board

##### Summary

**Ref: HC/INBS/552**

This Report relates to an application for the grant of a Premises Licence for:

**Premises:** The Alexander Guest House, 16 Ness Bank, Inverness IV2 4SF

**Applicant:** Andrew Mackinnon, 16 Ness Bank, Inverness IV2 4SF

## 1 Background

### 1.1

This is an application for an on-sales premises licence. The Alexander is a 11 bedroomed guest house/restaurant open to residents and non-residents with 22 covers. Outdoor drinking is permitted in the front garden area. It does not have a bar counter, and offers table service only. There is a small car park to the rear for guest use.

1.2 On 13 June 2013 the Licensing Board received an application for the grant of a Premises Licence from the applicant, Mr Andrew Mackinnon. The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene, and the statutory fee.

1.3 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has displayed a site Notice for the same period (24 June to 15 July 2013).

1.4 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification and a copy of the application have been sent to NHS Highland . The local Community Council remains 'unformed'.

1.5 A notice of the application has been sent to all the people listed under S21(1) of the Act.

1.6 No objections or representations have been received.

## **2. Legislation**

2.1 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 ground of refusal may be –

1. The premises are excluded premises;
2. The grant of the application will be inconsistent with one or more of the licensing objectives, having regard to;  
(i) the nature of the activities 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. Having regard to the number and capacity of licenced premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result be over-provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted.

## **3. Summary of Application**

### **On Sales**

Monday to Thursday 12.00 to 24.00

Friday 12.00 to 01.00

Saturday and Sunday 12.00 to 24.00

## **4. Policies**

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board combined Equality Scheme

Schedule of Local Conditions

## **5 Licensing Standards Officer's Comments:**

The Alexander Guest House is an existing guest house on Ness Bank, Inverness which now seeks to expand its business to operate a small restaurant with 22 covers offering a food service both to residents and non – residents.

The Premises are suitable for the sale of alcohol. There will be no bar facilities and alcohol will be dispensed solely via waiter service. The necessary Section 50 certificates and scale plans have been submitted along with this application.

The Children and Young Person's Policy is robust to meet the requirements of the fifth Licensing Objective.

The Premises have a small garden to the front of the building affording customers the opportunity to take alcohol and food outside; as there is the presence of neighbouring residential property the LSO believes it expedient to cap this part of the operation to a maximum of 22.00 hrs in order to prevent public nuisance through noise occurring.

#### **5.1 Local Conditions**

e). Any alcohol for consumption in the outdoor drinking area will be sold only in the licensed premises.( Prevention of public nuisance)

g). After 22.00 hrs (or such other time as may be specified by the Licensing Board) alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.(Prevention of Public Nuisance.

#### **6.0 Mandatory Conditions**

6.1 If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

### **7 Recommendation**

The Board is invited to determine the above application. .

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.552

Author: Wendy Grosvenor

Date: 25/06/2013.

Background Papers: The Licensing (Scotland) Act 2005