

The Highland Licensing Board

Meeting – 05 November 2013

Agenda Item	11.7
Report No	HLB/132/13

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Inshes Gate, Beechwood Business Park, Inverness IV2 3BW
Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/ 081

This Report relates to an application for a major variation of Premises Licence.

Premises: Inshes Gate, Beechwood Business Park, Inverness IV2 3BW

Applicant: Whitbread Restaurants Ltd, Whitbread Court, Porz Avenue, Houghton Hall Office Park, Dunstable LU5 3BW, per John Gaunt & Partners, Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT

1.0 Description of Premises

The premises are a Restaurant & Bar in own grounds adjacent to Hotel.

1.1 Current Core Operating Hours

On Sale:

Mon – Sat 11.00 hrs to 01.00 hrs

Sunday 12.00 hrs to 24.00hrs

Off Sales:

Mon – Sat 11.00 hrs to 22.00 hrs

Sunday 12.00 hrs to 22.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

1. To vary the on and off consumption commencement hour on a Sunday from 12.00 noon to 11.00 hrs in line with the recent amendment to the Board's policy.

2. To vary the terminal hour for on consumption on a Sunday to 01.00 hrs in line with the recent amendment to the Board's policy.

3. At 5(f) 'any activities' to add 'Quiz Nights' 'Charity Nights'.

3.0 Background

3.1 On 20 September 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant, from the applicant's agent, John Gaunt & Partners, Omega Court, 372-374 Cemetery Road, Sheffield, S11 8FT.

- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (26 September to 17 October 2013). Confirmation of site notice has been received.
- 3.3 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 and to the Local Community Council.
- 3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 3.5 No objections have been received in respect of the application.

4 Legislation

- 4.1 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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
 3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.
- 4.2 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 as modified.

5.0 Licensing Standards Officer's Comments

The Inshes Gate and Premier Inn have a trouble free operating history in terms of selling alcohol, which is very much an ancillary feature to the provision of food.

The hours applied for are within the Board's new policy adopted by the Board on 1 October, 2013.

The Premises are situated within a business park and have never been the subject of any complaint. It is the opinion of the Licensing Standards Officer that should the Board be minded to grant this variation that there will be no adverse effect on any of the Licensing Objectives.

In addition the Licence Holder wishes to expand the range of permissible activities within the Premises Operating Plan to include "Charity Nights" at Section 5(f); again the LSO is supportive of this.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

7.0 Conditions

7.1 Mandatory Conditions

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

7.2 Local Conditions

The existing Local Conditions already attached to the Premises Licence are deemed by the LSO to be sufficient to secure the Licensing Objectives.

Recommendation

The Board is invited to determine the above application. The Board is invited to determine the above application, noting that the application is within the policy adopted by the Board on 1 October 2013 as the Board's new policy for 1/12/13 to 30/11/2016.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/081

Date: 20 September, 2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form. Licensing Board Policy Statement from 1 October 2013 to November 2016.