

The Highland Licensing Board

Meeting – 13 May 2014

Agenda Item	8.1
Report No	HLB/060/14

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

Glen Mhor Hotel, 8-17 Ness Bank, Inverness IV2 4SG

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/165

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

Premises: Glen Mhor Hotel, 8-17 Ness Bank, Inverness IV2 4SG

Applicant: Glen Mhor Limited, 21 St Thomas Street, Bristol, BS1 6JS per Emmanuel Moine

1 Description of Premises

The premises currently operate as an hotel comprising 5 separate Town Houses. The main building of the hotel is spread over 3 floors and includes 2 restaurant areas and a bar on the ground floor, with an outside eating and drinking area.

1.1 Previous Core Operating Hours

On Sales:

Monday to Friday 11.00 hrs to 01.00 hrs

Saturday 11.00 hrs to 00.30 hrs

Sunday 12.30 hrs to 24.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

1. Variation to on sales hours: Monday to Sunday 11.00 hrs to 01.00 hrs.
2. Addition of extra properties into the licence: Nos. 16 & 17 Ness Bank, to provide extra bedrooms.
3. Amendment to increase capacity to reflect extra bedroom areas.
4. Amendment to Children's Policy.
5. Amendment to Premises Description and Layout Plan to reflect new properties and bedroom areas.

3 Background

- 3.1 On 14 March 2014 the Licensing Board receipted an application for a major variation of a Premises Licence on behalf of the applicant, Glen Mhor Limited from Mr E Moine, acting as their agent.
- 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 (24 March to 14 April 2014). Confirmation of display of the 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), and Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland, and the local Community Council.
- 3.4 Notice of the application has been sent to and all the people listed under s 21 (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. that the grant of the application will be inconsistent with one or more of the licensing objectives;
 2. that 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. that 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 Licensing Standards Officer's Comments

This application reflects in the main an increase in the licensing footprint of the Glen Mohr Hotel with the purchase of neighbouring villas 16 and 17 Ness Bank, Inverness, which will be used to provide extra bedroom capacity for this riverside Hotel. As such the capacity figure has been amended from 250 to 310 persons to take account of the extra people who may be accommodated within the Hotel.

The existing description of the Hotel has been amended to take account of the expansion in the Hotel's estate. Copies of lay out plans have been submitted accompanying the application reflecting the changes.

In addition the applicants have applied to regularise their operating hours following recent changes in the core hours permitted within Board Policy, with the Hotel now wishing to trade on a Monday to Sunday, 11.00 hrs to 01.00 hrs. The Hotel has a trouble free operating history and compliance visits carried out by the LSO have shown a high level of compliance.

Lastly the Children's Policy of the Premises has been altered to allow Children and Young Persons access solely when under the supervision of an accompanying adult; in any room with a bar counter non-resident Children and Young Persons after 22.00 hrs will only be allowed for the purposes of a meal, private function or live entertainment.

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

Local Conditions B and C remain as conditions.

The following Local Conditions require to be added;

A/. Children under the age of 16 are excluded from any room where there is a bar counter after 22.00hrs except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.(Licensing Objective 5.)

E/. After 22.00 hrs alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area. (Licensing Objective 3).

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/165

Date: 14 March 2014

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form.

Licensing Board Policy Statement from 1 December 2013 to November 2016