

## The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	9.5
Report No	HLB/122/14

**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/81

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, per John Gaunt and Partners, Sheffield.

## 1 Description of Premises

On and off sales restaurant and bar in own grounds adjacent to hotel.

### 1.1 Current Core Operating Hours

#### On Sales:

Monday to

Sunday: 11.00 hrs. to 0100 hrs.

#### Off Sales:

Monday to

Sunday: 11.00 hrs. to 22.00 hrs.

## 2 Summary of Variation Application

### 2.1 Variation Sought

1. change to operating plan:

Amendment to Q7 to increase occupancy to reflect the 14 additional bedrooms within adjacent hotel block to be constructed and opened on or around 1 Dec. 2014 by 56 persons to 416.

2. revised layout plans:

a- location plan 1093L(-)001

b- Individual bedroom- ground floor-1093L(2) 002C

c -first floor - 1093L(2004)

## 3 Background

3.1 On 4 July 2014 the Licensing Board receipted an application for a major variation of a premises licence on behalf of the applicant, from the applicant's agent, John Gaunt and Partners, 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 (25 August to 15 September 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 notification has been sent to the Inverness South Community Council.

3.4 Notice of the application has been sent to 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. 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, 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 only has power to either grant the application and make a variation of the conditions to which the licence is subject or refuse the application.

If the Board refuses 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.

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

Application has been made by the premises licence holders to increase the licensing footprint of the premises through the construction of 14 additional bedrooms within the accommodation block adjacent to the hotels bar and restaurant area. This will result in a change to the occupancy capacity within the operating plan to 416 persons (increase of 56).

Updated layout plans have been submitted with the variation.

The LSO is of the opinion that this variation will have no effect upon the Licensing Objectives.

### **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 licensing conditions will continue to apply.

## **8 Recommendation**

The Board is invited to determine the above application.

If the Board refuses 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.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/81

Date: 5 August 2014

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/application form.

Licensing Board Policy Statement from 1 December 2013 to November 2016