

The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	9.9
Report No	HLB/126/14

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Zizzi's 20 Bridge Street, Inverness IV1 1HD

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/492

This report relates to an application for a major variation of premises licence.

Premises: Zizzi's 20 Bridge Street, Inverness IV1 1HD

Applicant: Ask Restaurants Ltd c/o Gondola Group, 2 Balcombe Street, London NW1 6NW per Pinsent Masons, Solicitors, Glasgow.

1 Description of Premises

On sales premises. The unit is a restaurant at ground floor level in a mixed retail/residential city centre location.

1.1 Current Core Operating Hours

On Sales:

Monday to Friday 11.00 hrs. to 24.00 hrs.

Saturday 11.00 hrs. to 00.30 hrs.

Sunday 12.00 hrs. to 24.00 hrs.

2 Summary of Variation Application

2.1 Variation Sought

Licensing hours for on sales:

1. Amend Sunday on sales to 11.00 hrs. to 24.00 hrs.

Outdoor Drinking Facilities:

2. 'Yes' in columns 2 and 3 for outside drinking. Outdoor drinking facilities will not be used outwith core licensed hours.

Additional Activities;

3. Change section referring to 'occasional takeaway' to 'takeaway food'.

Question 6(b)

4. Add in the words 'This will be managed in a responsible way, underpinned by our Challenge 25 policy'.

Question 7:

Change on sales capacity from 88 to 106 to take in the external area.

3 Background

- 3.1 On 27 August 2014 the Licensing Board received an application for a major variation of a premises licence from the applicant's agent, Pinsent Mason, 141 Bothwell Road, Glasgow G2 7EQ.
- 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 period (1 September to 22 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. The local Community Council for Inverness Central is not currently formed.
- 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

Zizzi's is a well-established family restaurant within the city centre of Inverness occupying a site on the junction of Bridge Street and Bank Street, Inverness. The premises have a trouble-free operating history and compliance visits carried out by the LSO have shown them to be well managed and compliant with the terms and conditions of their Alcohol premises licence.

Application has been made following changes in previous policy hours to commence on sales on Sundays from 11.00hrs. As the premises are food led with alcohol very much an ancillary product the LSO foresees no conflict with the Licensing Objectives.

Within the facilities section of the operating plan application is now made to include a small outside dining area which will allow another 16 covers. Compliant new lay out plans showing this area's inclusion within the licensing footprint of the premises have been submitted. Accordingly the capacity total at Section 7 of the operating plan has been amended to take account of these extra diners.

It is of note that this area is a mixed business/residential area. The premises are directly above residential apartments. Accordingly a recommended cut-off time for servicing this area of the premises has been included within a specific local condition.

Additional wording has been included within Section 5(f) of the operating plan to reflect the provision of takeaway food. Similarly within section 6(b) of the children's policy wording has been inserted in respect of the Challenge 25 policy operated by the applicants.

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

There are no existing conditions.

The following new Local Condition is suggested by the LSO.

E) After 11pm alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area. (Objective 3 Public Nuisance.)

8 Recommendation

The Board is invited to determine the above application and the local condition recommended at paragraph 7.2.

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/492

Date 10th September, 2014

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

Licensing Board Policy Statement from 1 December 2013 to November 2016