

The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	8.9
Report No	HLB/074/16

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

Shapla Indian Restaurant, 2 Castle Road, Inverness, IV2 3AA

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Hasna Khanom, 8 Pilmuir Road, Forres, IV36 1HD.

1.0 Description of premises

1.1 Ground and first floor restaurant accommodated within a commercial building in a central location in the city of Inverness, overlooking the River Ness.

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

- (1) Capacity has been increased from 161 to 189.
- (2) Ground Floor area of the premises has been extended with new seating area and bar counter.
- (3) Premises name to be changed from Spice Tandoori to 'Shapla Indian Restaurant'.

4.0 Background

4.1 On 30 May 2016 the Licensing Board received an application for a major variation of a premises licence from Hasna Khanom.

4.2 The application was publicised during the period 27 June until 18 July 2016 and confirmation that the site notice was displayed has been received.

- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

5.0 Legislation

- 5.1 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, 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 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 overprovision of licensed premises or licensed premises of that description in the locality.
- 5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

(i) The Shapla Indian Restaurant is situated at the junction of Bridge Street and Castle Road, Inverness.

(ii) The Premises are situated on two floors. On the upper floor is the main restaurant accessed by a flight of stairs off Castle Road. There is a small area for customer seating downstairs, which is currently included within the licensing footprint but has been seldom used.

(ii) Application has been made to increase the downstairs licensed area of the premises, by converting a neighbouring shop unit into a bar and seating area. As a result of these changes the capacity of the premises has been increased to 189 persons overall. The necessary layout plans have accompanied the application.

(iv) The premises are trouble free and this amendment to the operating plan will not cause any adverse issues in respect of the licensing objectives.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

If the Board is minded to refuse 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.

Reference: HC/INBS/514

Date: 19 July 2016

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