

## The Highland Licensing Board

Meeting – 6 December 2016

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|-------------|------------|
| Agenda Item | 8.3        |
| Report No   | HLB/112/16 |

### Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

The Malt Room, 34 Church Street, Inverness, IV1 1EH

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for the grant of a premises licence in respect of The Malt Room, 34 Church Street, Inverness, IV1 1EH.

#### 1.0 Description of premises

1.1 The Malt Room is situated at 34 Church Street, Inverness and consists of a two storey mid terraced property of stone construction and a slate roof. The property is accessed via a pedestrian lane (Market Close) which connects Church Street to the Victorian Market.

#### 2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

**On sales:**

Monday to Thursday: 1200 hours to 24.00 hours  
Friday to Sunday: 1200 hours to 01.00 hours

#### 3.0 Background

3.1 On 24 October 2016 the Licensing Board received an application for the provisional grant of a premises licence from The Malt Room Bars Limited.

The application was accompanied by the necessary Section 50 certification in terms of Planning.

3.2 The application was publicised during the period 26 October until 16 November 2016 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.

- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

#### **4.0 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 are: -

1. that the premises are excluded premises;
  2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
  3. that having regard to;
    - (i) the nature of the activities 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, or
  4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

(i) Application has been made for the grant of a provisional premises licence for a former shop premises at 34 Church Street, Inverness. The premises have been visited by the LSO and whilst as yet not fitted out, the premises are suitable for the sale of alcohol as described by the applicant within the operating plan.

(ii) The necessary section 50 certificate in respect of planning has accompanied the application. Competent layout plans have also been submitted.

(iii) The hours requested are within the policy hours of the Highland Licensing Board.

(iv) The premises will be a boutique malt whisky bar and will sell on sales only.

(v) The operating plan has been reviewed by the LSO, who is of the opinion that it is compliant with the 5 licensing objectives.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

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

## **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**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the Schedule of Local Conditions:

(b) Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate adult. This condition does not apply to children of the licence holder or children who are resident on the premises.

(c) Notwithstanding condition (b) children must not sit or remain at the bar counter at any time.

### 7.3 Special conditions

No special conditions are considered necessary.

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para. 7.2 above.

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/601

Date: 17 November 2016

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