

The Highland Licensing Board

Meeting – 6 December 2016

Agenda Item	10.4
Report No	HLB/118/16

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

The Filling Station, 8-10 Academy Street, Inverness, IV1 1JT

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by The Restaurant Group (UK) Limited, 5-7 Marshalsea Road, London, SE1 1EP per Pinsent Masons, 141 Bothwell Street, Glasgow, G2 7EQ.

1.0 Description of premises

1.1 Family restaurant located in Falcon Square, Inverness close to the railway station.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday: 1100 hours to 2300 hours
Friday to Saturday: 1100 hours to 2400 hours
Sunday: 1230 hours to 2300 hours

3.0 Summary of variation application

3.1 Variation sought

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

(1) On sales Sunday opening to commence at 1100 hours and terminate at 2400 hours.

(2) Add off Sales Monday-Sunday: 1000 hours to 2200 hours.

(3) Add 'and club meetings' where activities are also to be provided outwith core licensed hours.

(4) Add 'takeaway' under 'other activities'.

(5) Change “Challenge 21” to “Challenge 25” under 6(b) Children and Young Persons Policy.

(6) Add off sales capacity 0 m2.

4.0 Background

4.1 On 5 October 2016 the Licensing Board received an application for a major variation of a premises licence from The Restaurant Group (UK) Limited.

4.2 The application was publicised during the period 17 October until 7 November 2016 and confirmation that the site notice was displayed has been received.

4.3 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.

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 Filling Station is a family friendly restaurant situated centrally in Inverness. The premises have a trouble free operating history and compliance checks carried out by the LSO have shown good levels of diligence.

(ii) Application has been made to the Highland Licensing Board to allow Sunday "on sale" trading from 1100 hours and to allow off sales from 1000 to 2200 hours seven days a week. These times are in line with Highland Licensing Board Policy hours and it is the view of the LSO that these hours will not threaten the licensing objectives in any way. The off sales are required solely to compliment the facility of "takeaway" meals which is to be added within section 5(f) of the operating plan. Off sales will be resourced from the servery/reception desk of the restaurant, hence there is no dedicated off sales display.

(iii) There is further textual change of a very minor nature in section 5 and section 6(b) of the operating plan, which is entirely in keeping with 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/191

Date: 8 November 2016

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