

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.4
Report No	HLB/066/18

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

River House Restaurant, 1 Greig Street, Inverness, IV3 5PT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Allan Little, [REDACTED]

1.0 Description of premises

1.1 Small city centre restaurant situated on the banks of the river ness overlooking the Greig Street bridge.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

-

Monday to Saturday: 1100 hours to 0100 hours

Sunday: 1230 hours to 1430 hours and
1830 hours to 2400 hours

3.0 Summary of variation application

3.1 Variation sought

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

(1) Add facility of outside drinking area.

(2) Sunday opening to commence at 1100 hours and terminate at 0100 hours.

(3) Additional paragraph to be added to the description: "The premises has a small drinking area outside its frontage."

4.0 Background

- 4.1 On 8 May 2018 the Licensing Board received an application for a major variation of a premises licence from Allan Little.
- 4.2 The application was publicised during the period 14 May until 4 June 2018 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, the following timeous notice of objection has been received and is/are appended:

Susan Laverock, [REDACTED]

- 4.6 The applicant and the objector(s) have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

http://highland.gov.uk/hlb_hearings

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. that 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 the same or similar description as the subject premises, in the locality.
- 5.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.3 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.

5.4 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 River House Restaurant is situated on the ground floor of a three story property at the junction of Greig Street and Huntly Street, Inverness. It is a small boutique restaurant, which has operated successfully since transition in 2009. The operating history is entirely incident free. Alcohol is provided solely by waiter/waitress service to diners purchasing table meals.

(ii) Application has been made by the applicant to include a small outside drinking area for pavement dining to the front of the restaurant; the necessary pavement permit has been obtained from the Council's Community Services. The LSO is of the opinion that this is in accordance with the licensing objectives, but should be conditioned to cease operation by 2230 hours each evening.

(iii) Application is also made to increase Sunday trading hours from 1100 hours until 0100 hours; this accords to the Boards policy hours.

(iv) Amended layout plans incorporating the outside area have been submitted. The premises licence description has also been altered in order to embrace this change.

(v) During the public consultation phase of the application one letter of objection has been received from a Susan Laverock, 3B Greig Street, Inverness, citing potential noise nuisance/disturbance to her home. It is the LSO's view that, as the restaurant operates these hours for the other six days of the week and has attracted no public complaint at all, that the variation is in accord with the Licensing Objectives; the LSO has been present in the restaurant during operating hours and has found the premises to be extremely well run.

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

There are no existing local conditions but the following local condition(s) are now recommended:

(e) After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.

(k) Within 30 minutes of the conclusion of permitted hours for any outside area area governed by a Pavement Permit, all tables and chairs, parasols and other moveable furniture will be removed.

(m) The licence holder shall ensure that all outdoor tables covered by a Pavement Permit are regularly cleared of all used glassware and crockery.

8.3 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. 8.2 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/334

Date: 12 June 2018

Author: Marjory Bain

Appendices: Objection by Susan Laverock, 3B Greig Street, Inverness, IV3 5PT

1: Full Name and Address of person making objection/representation:

Susan Laverock



2. Address of Premises in respect of which objection / representation is made:

River House Restaurant
1 Greig Street
Inverness
IV3 5PT

3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

I have misgivings over the disorder the extended opening hours may cause. Greig street can be very noisy at the best of time and I feel adding the hours will be disruptive to my neighbours and I. I rise very early for work on Monday mornings and I feel the noise will cause me upset and disruptive my working life.

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)

- 1. Excluded Premises
- 2. Off-Sales Hours/24 hour drinking
- 3. Licensing Objectives
- 4. Activities/Premises/Customers
- 5. Over Provision

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and

give details): (Continue on separate sheet if necessary)

- 1. in support of application
- 2. seeking an amendment to the operating plan, or
- 3. seeking to add additional conditions to the licence

Signature:..... Date.....