

The Highland Licensing Board

Meeting – 6 November 2018

Agenda Item	10.2
Report No	HLB/117/18

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

Premier Inn, Inshes Gate, Beechwood Business Park, Inverness, IV2 3BW

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Whitbread Group Plc, Whitbread Court, Houghton Hall Business Park, Porz Avenue Dunstable, Bedfordshire, LU5 5XE.

1.0 Description of premises

1.1 Restaurant and Bar in own grounds adjacent to Hotel located the Inshes area of Inverness within Beechwood Business Park.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Amendment to Q7 to increase occupancy to reflect 24 additional bedrooms within adjacent hotel block to be constructed and opened on or around February 2019, by 72 persons to 488.

Revised plan to show:

(1) Location Plan 2074/08C - layout of Inshes Gate Restaurant remains the same.

(2) Premier Inn Bedroom - Ground Floor - 2077 L(07)004.

(3) First Floor - 2007 L(07)005.

3.0 Background

- 3.1 On 17 September 2018 the Licensing Board received an application for a major variation of a premises licence from Whitbread Restaurants Ltd.
- 3.2 The application was publicised during the period 24 September until 15 October 2018 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

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 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.

4.2 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.

4.3 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) Inshes Gate is a hotel development within the Beechwood Business Park on the outskirts of Inverness. This comprises of a restaurant and bar in a separate building, an adjacent accommodation block and car park area. The accommodation block is included within the licensing footprint of the premises.

(ii) The premises have had an alcohol premises licence from the commencement of the Licensing (Scotland) Act 2005 and have operated with a trouble free licensing history. Compliance checks have been carried out by the LSO showing good levels of diligence.

(iii) Application has been made to increase the licensed footprint of the premises by the construction of a further 24 bedrooms within the adjacent accommodation block, due to be opened in February next year. As a result, the overall occupancy figure for the premises increases by 72 persons to a total of 488.

(iv) The LSO has overviewed this application and finds that it is in compliance with the 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

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

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/081
Date: 22 October 2018
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