

The Highland Licensing Board

Meeting – 2 April 2019

Agenda Item	6.1
Report No	HLB/025/19

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

Inverness College UHI, Inverness Campus, Inverness, IV2 5NA

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 Inverness College UHI, Inverness Campus, Inverness, IV2 5NA.

1.0 Description of premises

1.1 The Inverness College UHI is situated on the outskirts of Inverness just off the A9 and consists of the college building within its own grounds and the Shieling Restaurant which is utilised for training purposes.

2.0 Operating hours

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

On sales:

Monday to Friday: 1100 hours to 1500 hours

3.0 Background

3.1 On 14 January 2019 the Licensing Board received an application for the grant of a premises licence from Inverness College UHI.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.2 The application was publicised during the period 4 February until 25 February 2019 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 are: -

1. that the premises are excluded premises;
 2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
 3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 4. 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
 5. 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 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) A new premises licence application has been received in respect of Inverness College UHI. The premises have been licensed previously over a larger estate than is currently proposed. This posed issues affecting their funding allocations and accordingly, the premises licence was surrendered.

(ii) A revised application has now been submitted which relates solely to a student training facility, which poses no compromise to the College funding.

(iii) The new application refers to an area of the campus namely the Shieling Restaurant. This is a purpose built restaurant within the campus with an associated outdoor terrace area. The restaurant is used to provide a realistic training environment to students undertaking studies involving the supply of food and ancillary alcoholic and soft beverages associated with courses pertaining to the hospitality and catering industries. The premises are kept separate from other college facilities by plate glass partitioning.

(iv) On occasion, members of the public will be customers within the restaurant in order to provide the most realistic training environment and adequately test the skills of the students.

(v) The premises have operated recently under the authority of occasional licences without any adverse issue. The premises have been inspected by the LSO and are certainly suitable for the sale of alcohol in the manner as indicated within the operating plan.

(vi) The full complement of section 50 certificates has been submitted with the application.

(vii) The site notice has been duly displayed for the required period of time. Following the public consultation phase of this application, no objections of observations have been received.

(viii) The LSO is confident that the application fully complies 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 2018-23
- (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

No 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.

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/635
Date: 18 March 2019
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