

The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	5.1
Report No	HLB/016/20

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

Strathness House, 4 Ardross Terrace, Inverness, IV3 5NQ

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 Strathness House, 4 Ardross Terrace, Inverness, IV3 5NQ.

1.0 Description of premises

1.1 The Strathness House is situated on the banks of the River Ness, a short walk into the City Centre and consists of 12 en-suite letting bedrooms, vestibule, reception, restaurant and bar.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 0100 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 4 February 2020 the Licensing Board received an application for the grant of a premises licence from Black Sheep Management Services Limited.

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 10 February until 2 March 2020 and confirmation that the site notice was displayed has been received.

- 3.3 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.
- 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) The Strathness Guest House is a substantial premises situated in a riverside location close to Inverness Cathedral. Up to the time of being sold to the current owners, the premises functioned as a 12 bedroom bed and breakfast establishment.
- (ii) The applicants have already purchased 3 licensed boutique hotels within the Highland Licensing Board's area, refurbishing them to extremely high end specification. It is the intention to run the hotel in its current format for the existing season with the facility of alcohol sales, thereafter, carrying out wholesale refurbishment and accommodation changes which will be dealt with under a future major variation application.
- (iii) The application submitted by the applicants agent, has been overviewed by the LSO and in his view, it is entirely compliant with the 5 licensing objectives, and is within the policy of Highland Licensing Board.
- (iv) There is a small outside area to the front of the hotel which is separated by a boundary wall from the footway, it is requested this is included as part of the licensed area. Whilst this in itself is no issue, it is recommended by the LSO that its use be capped to 2300 hours as there are nearby residential properties.
- (v) The necessary Section 50 certificates relating to Planning, Building Standards and Food Hygiene have been submitted as has a Disabled Access Statement.
- (vi) During the public consultation phase of this application, no objections or observations were received by the Board.

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

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:

- (a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions, for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress. This condition does not apply to children of the licence holder or children who are resident on the premises.
- (b) Whilst in any room with a bar counter all children must be in the company of or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- (c) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- (k) The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.
- (m) After 2300 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.
- n(i) No live or recorded music shall be played in any outdoor drinking area.

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/653
Date: 17 March 2020
Author: Marjory Bain