

The Highland Licensing Board

Meeting – 22 June 2021

Agenda Item	9.2
Report No	HLB/050/21

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

Highlander, 44-46 Church Street, Inverness, IV1 1EH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Highlander, 44-46 Church Street, Inverness, IV1 1EH.

1.0 Description of premises

1.1 The Highlander is situated in Inverness Town Centre's Church Street and consists of a bar, restaurant and music venue.

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 27 April 2021 the Licensing Board received an application for the provisional grant of a premises licence from Mor-Rioghain Ltd.

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

3.2 The application was publicised during the period 14 May until 4 June 2021 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) Application is made by the applicant for a Bar, Restaurant and Music Venue to be developed within the former premises of Ashers bakery on Church Street, Inverness.
- (ii) The applicant is an experienced operator who runs a portfolio of licensed premises; they already successfully operate the Gellions on Bridge Street, Inverness, which is a busy city centre venue with a sound operating history.
- (iii) The necessary section 50 certificate relating to planning permission has accompanied the application. The operating plan is compliant with the current HLB Policy and in the view of the LSO does not threaten the licensing objectives. The children and young persons' policy is adequate for these type of premises.
- (iv) Layout plans of acceptable quality have been submitted with the application.
- (v) Following the consultation phase of this application no objections or representations have been 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 condition(s) 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 or 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.
- (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.

7.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

- (1) On any occasion that the Premises are permitted to remain open after 0100 hours a person who is the holder of a Scottish personal licence shall be present in a supervisory capacity on the premises.
- (2) On any occasion that the premises are permitted to remain open after 0100 hours a person who is the holder of a current first aid certificate shall be present on the Premises until the Premises close.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 7.2 and 7.3 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/661
Date: 7 June 2021
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