

The Highland Licensing Board

Meeting – 22 June 2021

Agenda Item	10.5
Report No	HLB/056/21

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

The Malt Room, 34 Church Street, Inverness, IV1 1EH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Malt Room Bars Ltd, 1 Marbax Gardens, Isleworth, London, TW7 4FD.

1.0 Description of premises

1.1 Two storey mid-terrace property accessed via Market Close which connects Church Street to the Victoria Market, surrounded by commercial and residential properties in Inverness Town Centre.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1200 hours to 0100 hours

Off sales:

Monday to Sunday. 1200 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

1. Incorporated within the operating Plan dedicated whisky tasting room for pre-booked tastings and presentations.
2. Increase the operating hours of the premises to allow early opening for tutored tasting sessions under supervisions of a personal licence holder to commence at 10.00 hrs

3. Amend current capacity for patrons to 36 persons.
4. Amend off sales hours to commence from 10.00 hrs.
5. Seasonal variations to include festive hours extension.
6. Incorporate within layout plan dedicated tasting room on the second floor of the premises.

4.0 Background

- 4.1 On 1 April 2021 the Licensing Board received an application for a major variation of a premises licence from The Mal Room Bars Ltd.
- 4.2 The application was publicised during the period 26 April until 17 May 2021 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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, no timeous objections or representations have been received.
- 4.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, both the applicant and the objector have been invited to submit a written representation to state their case.

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 Malt Room is a small boutique bar situated off Church Street, Inverness on an access lane to Inverness Market. This bar specialises in Malt Whiskies and has established a good reputation amongst whisky enthusiasts.
- (ii) The premises have an excellent operating history and are diligent in compliance with licensing regulations.
- (iii) Recently the owner has developed the upstairs area of the building into a proper tasting room where he can give tutored tastings and host specialist whisky evenings. The premises have been refurbished to a very high standard. Accordingly, application is made to expand the footprint of the license, which explains the uplift in the capacity figure. Permission is also sought to give tutored and supervised whisky tastings from 1000 hours as is allowed for within the Licensing Boards Policy statement.
- (iv) Further modernisation of the licence is also asked for, by allowing on sales from 1000 hour until 0100 hours, and off sales from 1000 hours to 2200 hours, Monday to Sunday. Ability to operate according to general extensions granted by the Board is also asked for. Neither of these matters in the view of the LSO threaten the licensing objectives.
- (v) Additional layout plans have been submitted in respect of the Tasting Room.
- (vi) During public consultation no objection or representation was received by the Board.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

- (g) Alcohol may be sold prior to 1100 hours for consumption on the premises only during a formal or tutored tasting session and only to customers taking part in such tasting sessions.

8.3 Special conditions

The Board may wish to consider attaching the following special conditions:

- (1) On any occasion that the Premises are permitted to remain open after 01.00 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 01.00 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. 8.2 and 8.3 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/601
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Author: Marjory Bain