

## The Highland Licensing Board

Meeting – 3 August 2021

Agenda Item	7.1
Report No	HLB/066/21

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

Maleia's Function Suite, 24 Grant Street, Inverness, IV3 8BL

### 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 Maleia's Function Suite, 24 Grant Street, Inverness, IV3 8BL.

#### 1.0 Description of premises

1.1 The Maleia's Function Suite is situated 24 Grant Street, Inverness and consists of a small bar, seating area and dedicated children's and young persons' area situated well away from bar counter.

#### 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 22 April 2021 the Licensing Board received an application for the provisional grant of a premises licence from Robert Inglis.

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

- 3.2 The application was publicised during the period 3 May until 24 May 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, the following timeous notice of objection has been received and is appended:

Dell McClung, Chair Person, Merkinch Community Council

- 3.6 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.

#### **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 provisional premises licence application has been received in respect Maleia's, 24 Grant Street, Inverness. The proposal is for a small public house type premises.
- (ii) The applicant is an experienced person in the licensed trade having in the past run several licensed premises in the Highland area; he currently has the tenancy of the Nip Inn which is very close by and is of a similar business model and has a satisfactory operating history.
- (iii) The application is accompanied by the necessary section 50 certificates relating to planning and building control. A Disabled Access Statement has also been completed.
- (iv) The operating plan complies with current HLB policy on hours and meets the standards of the licensing objectives.
- (v) From the layout plans submitted the premises look suitable for the sale of alcohol, as described within the application.
- (vi) Children and young persons' access are requested, but solely for private functions at management discretion; this seems reasonable and justified in the opinion of the LSO.
- (vii) During the public consultation exercise for this application, one objection has 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 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 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.

(x) Dartboards and any pool table will be situated in a location of the premises approved by the Licensing Standards Officer.

### **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/659

Date: 19 July 2021

Author: Marjory Bain

Appendix: Dell McClung, Chair Person, Merkinch Community Council

Licensing (Scotland act 2005)

Application for Provisional Grant of premises Licence

Premises: Maleia, 24 Grant Street, Inverness IV3 8BL

Dear Sir/Madam

Please find enclosed our concerns that was expressed at our meeting on the 1st July 2021 . regarding the above Planning Application.

I here by express our concerns from the Merkinch Community Council meeting .

.The Nip Inn has constantly people gather at the door of the pub in Grant Street Smoking and chatting will this be the same here on this premises?

.This is a very small narrow pavement and to get by with folk standing about and motorized wheelchair parked outside the Nip Inn makes it hard to get passed for Predestrans ,and baby buggies , visual impaired..

.This is a main thoroughfare to the city Centre and local shops and Laundry and to homes .

.Concerns that this planning application would make this even busier.

.Concerns of trouble spilling out on to the Streets.?

.Concerns of loud music from the function premisses disturbing local residents in and around the said premises and the occupied flats above .

.Re parking. Would this lead to parking in residential areas ?

.Would there be surveillance at the door for functions ?

These are the questions and concerns that was discussed at our meetings .There was also feeling that our community could benefit from nice pub lounge ? Since the Clach Club closed it is some thing that is missed from our area , But concerns about where this function room is situated?

Your Faithfully

Dell McClurg

Chair person

Merkinch Community Council

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Mura h-eil na beachdan a tha air an cur an cèill sa phost-d seo a' buntainn ri gnothachas Chomhairle na Gàidhealtachd, 's ann leis an neach fhèin a chuir air falbh e a tha iad, is chan eil iad an-còmhnaidh a' riochdachadh