

## The Highland Licensing Board

Meeting – 3 August 2021

Agenda Item	8.3
Report No	HLB/070/21

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

**Premier Inn and Loch Ness House Hotel Beefeater, Glenurquhart Road, Inverness, IV3 5TD**

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Whitbread Group PLC, Houghton Hall Business Park, Porz Avenue, Dunstable, Bedfordshire, LU5 5XE.

#### 1.0 Description of premises

1.1 Premier Inn is situated approximately two miles out of Inverness Town Centre next to Kings Golf Course and the Link Road on the A82 Fort William Road.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

1. The premises has the benefit of premises licence HC/INBS/497 permitting an overall on sales capacity of 703 persons, which includes 32 persons in the external area.
2. The premises has increased the size of its external area by 150 further covers and has been operating this under occasional licences.
3. The application therefore, seeks to amend Q7 of the operating plan in order to uplift the overall on sales capacity and external area capacity to take into account these extra covers going forward.
4. Q7 of the operating plan is therefore, requested to be amended to state:

On sales - 853  
Off sales - 12.7M2

## Capacity breakdown - Bar and Restaurant

Internal - 274  
External - 182  
Accommodation - 397

5. The application also seeks to approve the drawing deposited with the application L(07)100 Revision B) as this shows the extent of the current and expanded external areas. This will replace the current approved site plan (drawing L(07)100 Revision A).

No changes are proposed to the other approved plans for this premises which our records indicate to be:

213146/7.0 Revision C (bar/restaurant licensing plan - ground floor)  
1162L(2-)72 (bar/restaurant licensing plan - first floor)  
1162L(2-)73 - hotel ground floor  
1162L(2-)74 - hotel first floor  
1162L(2-)75 - hotel second floor  
1162L(2-)76 - hotel third floor  
L(07)000 Revision A - hotel extension ground floor  
L(07)001 Revision A - hotel extension first floor  
L(07)002 Revision A - hotel extension second floor

6. Description to read: "Hotel with some 130 bedrooms with a restaurant and bar in a linked building and associated car parking on site.

The Hotel accommodation block is included within the ambit of the proposed licence for the purpose of the residents exemption within the 2005 Act".

### **3.0 Background**

- 3.1 On 28 May 2021 the Licensing Board received an application for a major variation of a premises licence from Whitbread Group PLC.
- 3.2 The application was publicised during the period 18 June until 9 July 2021 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 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 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.

- 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 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.

- 4.4 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.

#### **5.0 Licensing Standards Officer**

- 5.1 The LSO has provided the following comments:-

- (i) A major variation application has been made for these premises which comprise of a substantial hotel and restaurant with extensive grounds, on the west outskirts of Inverness.

(ii) The hotel has a record of satisfactory operation and a good record of compliance.

(iii) Application has been made to extend the outside drinking area of the premises by converting an area of their ground. This area has operated already under the authority of an occasional licence, without any undue issues. The customer capacity of this extension is 150; accordingly, the capacity total at section 7 of the operating plan has been increased to reflect this additional capacity.

(iv) The LSO is of the opinion that should the Board be minded to grant this variation, then there will be no adverse impact in respect of the licensing objectives.

(v) During the statutory consultation phase of this application no objections or representations have been received by the Highland Licensing 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**

Existing local conditions will continue to apply and no additional 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 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/497

Date: 19 July 2021

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