

## The Highland Licensing Board

Meeting – 28 March 2023

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|-------------|------------|
| Agenda Item | 9.2        |
| Report No   | HLB/036/23 |

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

Glenalbyn, 2-4 Young Street, Inverness, IV3 5BL

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Marion Anderson, 4 Bellfield Park, Inverness, IV2 4SZ.

#### 1.0 Description of premises

1.1 The Glenalbyn is situated in a prime location overlooking the River Ness and has an external customer drinking area to the front of the premises.

#### 2.0 Summary of variation application

- 2.1
1. Q5(a) - Permit conference facilities during and outwith core hours.
  2. Q5(b) - Permit receptions and club or other group meetings outwith core hours.
  3. Q5(c) - Permit gaming, indoor/outdoor sport and televised sport outwith core hours.
  4. Q5(d) - Permit the premises to open from 08.00 hours daily for coffee, tea and other non-alcoholic drinks.
  5. Q7 - Add external capacity of 32 persons.
  6. Change the layout plan in accordance with the drawing which accompanies the application dated November 2022. The only proposed change to the layout is the formation of an increased external drinking area to the front of the premises to cater for a maximum of 32 customers.
  7. Change of premises description to read: "The premises consists of one main room including a small office, male and female toilets, underground cellar, storage space and an external customer drinking area to the front of the grounds."

### **3.0 Background**

- 3.1 On 6 January 2023 the Licensing Board received an application for a major variation of a premises licence from Marion Anderson.
- 3.2 The application was publicised during the period 13 February until 6 March 2023 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:

[www.highland.gov.uk/hlb\\_hearings](http://www.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 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) The Glenalbyn Bar occupies a riverside location on the west bank of the River Ness at the junction of Tomnahurich Street and Huntly Street, Inverness.

(ii) The premises have an excellent operating history. Compliance visits by the LSO have endorsed good standards of diligence.

(iii) An application has been made to utilise a large pavement area to the front of the bar as an outside drinking area. This area has capacity for 32 persons. This area was repeatedly used in the summer of 2022 under the authority of occasional licences without issue. Planning permission has been obtained for this area which requires a closure time of 21:30 hrs. This has been reflected in a local condition by the LSO.

(iv) In addition, the list of facilities under section 5 of the operating plan has been updated to provide as much flexibility as possible in respect of the use of the premises.

(v) The LSO is satisfied that this variation does not impact adversely on the licensing objectives.

(vi) A revised layout plan showing the outside area has been submitted and the premises description has been updated.

(vii) Following the public consultation phase of the application no objections or representations have been received by HLB.

## **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 it is recommended that the following additional local condition(s) be attached:

(l) The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.

(m) After 21.30 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.

(o) The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.

(p) The licence holder shall ensure that all outdoor tables area regularly cleared of all used glassware, crockery, cutlery and refuse.

### **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/291  
Date: 13 March 2023  
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