

## The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	8.3
Report No	HLB/054/23

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

Glen Mhor Hotel, 8-15 Ness Bank, Inverness, IV2 4SG

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by Glen Mhor Ltd, 21 St Thomas Street, Bristol, BS1 6JS.

#### 1.0 Description of premises

1.1 Glen Mhor Hotel is situated on the banks of the River Ness and is just a short walk from Eden Court Theatre and Inverness City Centre. It has 110 rooms, brewery, 24-hour front desk assistance, concierge service and parking.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

(1) The existing lounge bar and bistro (capacity 55.7) and public bar (capacity 51.7) has been demolished, as have the male toilets (capacity 10.8). A new bar/restaurant (capacity 96) has been built with new toilet facilities (male occupancy 16 and female occupancy 21) as well as a new disabled toilet. The reception area and lounge area have been opened into an open plan space but the combined capacity remains at 57. To the rear a new apartment has been built.

(2) The dining area has been opened up with a wall removed but capacity has not altered. A new distillery has been built across two stories with a bar/restaurant area. The kitchen has reduced in size to make room for new toilets. There have been alterations to some of the bedrooms and ensuite bathrooms as set out in the layout plan. There is an outdoor bar which is utilised all year round. As set out on the layout plan, an area to the rear of the building on the ground floor has been demolished.

(3) The hotel hosts functions and there may be live performances at such functions, mainly in the function suite. This will primarily be live music.

(4) The dining area has been opened up with a wall removed but capacity has not altered. A new distillery has been built across two stories with a new bar/restaurant room. There is an outdoor bar which is utilised all year round. As set out on the layout plan, an area to the rear of the building on the ground floor has been demolished.

(5) Change to description to read: 'Hotel with bedrooms, apartments, restaurants, bars, social areas, function facilities and brewery distillery with tap room, comprised within the various buildings. The premises in its entirety will be known as the 'Glen Mhor Hotel'.

### **3.0 Background**

3.1 On 16 March 2023 the Licensing Board received an application for a major variation of a premises licence from Glen Mhor Ltd.

3.2 The application was publicised during the period 27 March until 17 April 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) An application for a major variation has been submitted via agents acting on behalf of the premises licence holder.

(ii) In summation, the premises have been altered in order to encompass a micro-brewery and tap room. In addition, a major overhaul of the public areas of the Glen Mhor Hotel building has transpired providing greater operating space and greater customer capacity. New layout plans have been submitted.

(iii) The LSO has visited the premises and is satisfied that all changes comply with the licensing objectives.

(iv) During the public 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**

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

### **7.3 Special conditions**

Existing special conditions will continue to apply and no additional 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/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/165

Date: 19 April 2023

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