

## The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	8.4
Report No	HLB/055/23

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

Pepperoni Speciale, 18 Tomnahurich Street, Inverness, IV3 5DD

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

##### Summary

This report relates to an application for a major variation of premises licence by Julie Cheng Limited, 9 Royal Crescent, Glasgow, G3 7SP.

#### 1.0 Description of premises

1.1 Hou Hou Mei (formerly Pepperoni Speciale) is a traditional Asian restaurant situated on Tomnahurich Street, a short walk from the City Centre and consists of a large restaurant with three mezzanine floors.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

(1) Local Condition X - this condition is no longer relevant or appropriate for the premises, there are no longer any dartboards or pool tables at the premises.

(2) Permitted activities at Q5(a) to include restaurant facilities.

(3) Question 5(f) has been amended to include reference to the fact that food (rather than just bar snacks and breakfast) may be served outwith the core hours.

(4) Question 5(f) has been amended to include reference to the fact recorded music may be played outwith core hours.

(5) To permit children and young persons from 0-17 to be permitted in all public areas of the restaurant from the hours of 11.00-12.00 hrs when accompanied by an adult and, with the discretion of the Manager to permit children from age 14-17 to be permitted in all public areas of the restaurant from hours of 11.00-20.00 hrs without being accompanied by an adult.

(6) The layout plan is being varied to reflect the fact there are 3 mezzanine

raised flooring areas at the premises (consistent with the update to the description below) and the fact there are no longer any pool tables at the premises due to the nature of the business now operated from the premises.

(7) The areas designated as children area have also been removed due to the nature of the business now operated from the premises and children will now have access to all public areas of the premises.

(8) Change of description which should read: ' Hou Hou Mei is a corner plot site situated at 18 Tomnahurich Street, Inverness. The premises consist of a large restaurant with 3 raised mezzanine floors. The premises also has a basement, currently used for storage.

(9) Change of premises name to Hou Hou Mei.

### **3.0 Background**

3.1 On 17 March 2023 the Licensing Board received an application for a major variation of a premises licence from Julie Cheung Limited.

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 to these premises has been received via a local agent on behalf of the premises licence holder.

(ii) The changes now reflect the current usage of the premises as a family friendly Chinese speciality restaurant, serving alcohol and food by way of table service.

(iii) Local condition X concerning the siting of darts/pool table is requested to be removed, as these items of equipment are no longer in use; with the resultant space given over to dining. The list of facilities at Section 5 of the operating plan has been amended to reflect the premises food provision. In addition, the children and young persons policy has been amended to reflect the family friendly restaurant that the premises now are: in the opinion of the LSO, who has visited the premises, the changes are still supportive of the protection of children and young persons from harm.

(iv) The floor plan has been updated to reflect the current operation of table dining throughout all levels of the premises, without a designated children and

young persons area; good quality revised layout plans have been submitted.

(v) The description and name of the premises have been changed to reflect the current service provision.

(vi) The LSO is satisfied that this variation is compliant with the 5 licensing objectives.

(vii) During the consultation phase of this application no objections or representations were 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**

There are no existing local conditions and it is not considered necessary to attach any.

Local condition x to be removed.

### **7.3 Special conditions**

No special conditions are considered necessary.

## **Recommendation**

The Board is invited to determine the above application.

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/54  
Date: 19 April 2023  
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