

## The Highland Licensing Board

Meeting – 1 August 2023

Agenda Item	8.5
Report No	HLB/086/23

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

**The Imperial, 1 Academy Street, Inverness, IV1 1JN**

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Rosemount Estates Ltd, 5 Pitzroy Place, Glasgow, G3 7RH.

#### 1.0 Description of premises

1.1 The Imperial is situated on the corner, facing on to Academy Street, in Inverness City Centre opposite the Railway station and Eastgate Shopping Centre.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Saturday: 0900 hours to 0100 hours  
Sunday: 1200 hours to 2400 hours

##### Off sales:

Monday to Saturday. 1100 hours to 2200 hours  
Sunday: 1200 hours to 2200 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

(1) Vary Sunday on and off sales hours to commence from 1100 hours.

## **4.0 Background**

- 4.1 On 16 May 2023 the Licensing Board received an application for a major variation of a premises licence from Rosemount Estates Ltd.
- 4.2 The application was publicised during the period 29 May until 19 June 2023 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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)

## **5.0 Legislation**

- 5.1 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.

5.2 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.

5.3 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.

5.4 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

(i) The Imperial is a busy and popular City Centre Bar and eatery in the centre of Inverness.

(ii) The premises are well run and the operating history is free of complaint. An alcohol premises licence has been in force since 2009.

(iii) An application has been submitted to allow the premises to open for both on and off sales from 1100 hrs on Sundays. Such an application, is within the policy hours operated by the Highland Licensing Board.

(iv) The LSO is of the opinion, that the application complies with the 5 Licensing Objectives.

(v) During the public consultation phase of the application no objections or representations were received by the Board.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **8.2 Local conditions**

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

### **8.3 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. 8.2 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/399

Date: 5 July 2023

Author: Marjory Bain