

The Highland Licensing Board

Meeting – 1 August 2023

Agenda Item	8.7
Report No	HLB/088/23

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

Innes Bar, 61 Innes Street, Inverness, IV1 1NR

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Craig MacLeod, 36 Mackintosh Road, Inverness, IV2 3UA.

1.0 Description of premises

1.1 The Innes bar is one of the oldest licensed venue in Inverness. Located near the Town Centre, it is a tradition bar offer food, real ale, cocktails, etc.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 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. Permit on sales on Sunday from 11.00 hrs.
2. Permit off sales on Sunday from 11.00 hrs
3. Permit conference facilities during and outwith core hours.
4. Permit restaurant facilities and bar meals outwith core hours.
5. Permit receptions and club or other group meetings, etc., outwith core hours.

6. Permit televised sport outwith core hours.
7. Permit outdoor drinking outwith core hours.
8. Amend to read: "The external area may be used outwith licensed hours for customers to consume food and non-alcoholic drinks, and also to smoke".
9. Amend children and young persons to permit access to all public parts of the premises.
10. Change of description to read; 'Family friendly bar/diner situated in the heart of Inverness with a beer garden and garden servery.'

4.0 Background

- 4.1 On 5 June 2023 the Licensing Board received an application for a major variation of a premises licence from Craig MacLeod.
- 4.2 The application was publicised during the period 19 June until 10 July 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

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 Innes Bar is a popular community public house situated in a residential district just outside the City Centre of Inverness. For several years the premises have been run by Mr Craig Macleod, who has built up a loyal customer base. The premises has an incident free operating history, compliance visits have shown the premises to be well run according to the terms and conditions of its licence.

(ii) Application is made to commence core on and off sales hours from 11.00 hrs on Sundays; such a change, is in accordance with current Board Policy hours.

(iii) Within Section 5 of the operating plan a number of facilities offered by the premises have been upgraded to be allowed to be offered to customers without alcohol provision outwith licensed hours, in effect, this will polarise around the provision of breakfasts and will not involve any extension of business at the latter end of core hours. Also, the extent of the outside drinking area has been expanded to allow increased customer use.

(iv) The LSO is of the opinion, that none of these alterations to the operating plan will affect the licensing objectives adversely.

(v) During the public consultation phase of this application, a representation has been received from a near neighbour Dr Kai Hasler, who expressed concern in respect of any extension of core hours involving music/live entertainment. As the variation application does not ask for this, Dr Hasler was appraised in the content of the application and duly withdrew his objection.

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

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 condition(s) detailed at para(s). 8.2 and 8.3 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/04
Date: 11 July 2023
Author: Marjory Bain