

The Highland Licensing Board

Meeting – 24 October 2023

Agenda Item	7.1
Report No	HLB/111/23

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

Blaeberry House, 11 Ardross Street, Inverness, IV3 5NS

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Blaeberry House, 11 Ardross Street, Inverness, IV3 5NS

1.0 Description of premises

1.1 The Blaeberry House is situated on Ardross Street, Inverness and consists of a bed and breakfast establishment with four letting bedrooms.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1600 hours to 2200 hours

3.0 Background

3.1 On 4 September 2023 the Licensing Board received an application for the grant of a premises licence from Joanna Marie Riddell.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 11 September until 2 October 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:

[Highland Licensing Board - 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 are: -

1. that the premises are excluded premises;
 2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
 3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 4. that having regard to;
 - (i) the nature of the activities 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, or
 5. 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 If the Board would refuse the application as made, but a modification is

proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) Blaeberry House, is a terraced dwelling in Ardrross Street, Inverness, currently operating as a bed and breakfast business.

(ii) Joanna Riddell the proprietor, is experienced in the licensed trade having previously owned and operated a licensed café/restaurant in Dalwhinnie for several years.

(iii) Application is made for a Category 1 licence which if granted, will allow the sale of alcohol solely to residential guests for on sale only. Such a licence will according to the applicants, compliment their business perfectly, allowing provision of alcohol within a small operating window of 1600 until 2200 hours daily. Guests will be required to order the alcohol via the proprietor from a small drinks menu; thereafter, the alcohol will be brought to the guest, no bar facilities exist.

(iv) The LSO has visited the premises and they are suitable for such use. The operating plan in the opinion of the LSO, compliments the five licensing objectives.

(v) The application has been accompanied by a disabled access statement, good quality layout plans and the necessary section 50 certificates pertaining to Planning, Building Standards and Food Hygiene.

(vii) The required site notice has been displayed at the premises for 21 days. 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

No local conditions are considered necessary.

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/692
Date: 9 October 2023
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