

The Highland Licensing Board

Meeting – 28 November 2023

Agenda Item	7.1
Report No	HLB/128/23

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

Melrose Villa, 35 Kenneth Street, Inverness, IV3 5DH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Melrose Villa, 35 Kenneth Street, Inverness, IV3 5DH.

1.0 Description of premises

1.1 Melrose Villa is situated on Kenneth Street, Inverness and consists of 11 letting rooms, lounge and dining rooms.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 2200 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

3.1 On 12 June 2023 the Licensing Board received an application for the provisional grant of a premises licence from Melrose Villa Limited. The application was considered by the Highland Licensing Board on 5 September 2023 at which meeting it was deferred. Substantial amendments to the application were made and received by the Board on 10 October 2023.

The amended application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.2 The amended application was publicised during the period 17 October until 7

November 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, the following timeous notice of objection has been received and is/are appended:

Mrs P M A Coleman

In addition, the following objections to the original application have not been withdrawn and are appended:

Teresa O'Connor
Ruth Oulton
Ruth Oulton, signatures of neighbours
Findlay Walker
Steven Murray
Allan MacDonald
Kenneth MacMillan
A and LA Graham
Lisa Kennard
John and Mairi MacLeod
Derek and Fiona Rudkin
Patricia Coleman
James and Angela McIlraith
Alan Howie
Nicola McIntosh
H Graham

- 3.6 The applicant and the objector(s) have been invited to attend the hearing. They have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

http://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 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) Melrose Villa Guest House is a substantial guest house situated in a central residential area of Inverness.

(ii) Application has been made for an alcohol premises licence to sell alcohol to residential guests by way on both on and off sales, no other public trading in alcohol will take place.

(iii) The hours of trading are within HLB policy hours and hours permitted for off sales under the Licensing (Scotland) Act 2005.

(iv) The method of sales is very restricted and is quoted in the operating plan as:

“ Off sales will be complimentary miniatures in rooms and otherwise pre-ordered and pre-paid. On sales only for occasional pre-booked informative tastings to showcase local products”.

(v) The premises offer no bar facilities and will not sell alcohol to guests by other means. All licensing activities will be entirely contained within the premises, with no use to be made of any outside area.

(vi) In the opinion of the LSO, the premises are suitable for the sale of alcohol as described in the operating plan, the manner of sales will not threaten the licensing objectives.

(vii) The Application has been accompanied by the required Section 50 certificate relating to Planning and a Disability Access Statement.

(viii) “Following the public consultation phase of this application a number of objections/representation have been received from owners of nearby properties. In summation, these objections relate to staffing levels, parking and refuse disposal, issues which are not concerned with the sale of alcohol.”

If alcohol is sold on the premises according to the operating plan, in the view of the LSO the licensing objectives are not compromised.

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

The Board may wish to consider attaching the following special condition:

(1) All on sales of alcohol will be carried out solely as part of a tutored tasting under the supervision of a Personal Licence Holder.

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/687
Date: 13 November 2023
Author: Marjory Bain
Appendix: Mrs P M A Coleman

From: pat.coleman5 [mailto:pat.coleman5@highland.gov.uk] <pat.coleman5@highland.gov.uk>
Sent: Saturday, October 25, 2023 3:24 PM
To: Iain Meredith (Legal Team Highland) <iain.meredith@highland.gov.uk>
Subject: RE:- HIGHLAND LICENSING BOARD - APPLICATION FOR AN AMENDED PROVISIONAL GRANT OF PREMISES LICENCE - MELROSE VILLA, 35 TENNYSON STREET, INVERNESS, IV3 5DH

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir,

Having received your latest notification with regard to the above, which outlined that objections or representations are to be received by you on, or prior to Monday 6th November 2023.

While somewhat pleased to learn that the original application has been amended with outdoor drinking being withdrawn. I still have a few concerns' which I will specify below, and hope that full consideration be also given to these by the licencing board before reaching their final decision.

Summary Grounds for Refusal paragraphs'

4. (1) Nature of Activities:

Occasional Informative alcohol tastings - there is vague information on this, (i.e.) no description of type of clientele they expect to frequent this Guesthouse/AirB'nB/Aparthotel.

4. (2) Condition of Premises:

Melrose Villa, due to being in a very run down and dilapidated condition both internally and externally in its past, and indeed apparently still in its present condition certainly does not lend itself to attract an "upmarket boutique hotel" clientele... as this would be the type of clientele to frequent and benefit from the type of service!!

I respectfully suggest the licencing board committee check out Melrose Villa's currently displayed bonafidè guest reviews on Booking.com and TripAdvisor to gain insight to its condition before granting this licence.

Also, as the building provides accommodation on 3 floors with 12 rooms, it should have an external fire escape, which I believe it does not have at present... especially crucial in the event of fire, because "No-One" actually lives on the pemises to attend to guests... nor to oversee, or attend to any alcohol related problems which may arise with guests.

5. Over Provision:

There are numerous alcohol licenced premises within yards of Melrose Villa if prospective guests wished to purchase and consume alcohol....

I therefore would like to reiterate my previous objection letter, in that I believe granting a liquor licence to Melrose Villa will set a very real precedence for other guesthouses and B'nB's to follow suit as a "ploy" to avoid adhering to, and paying the fees for the new accommodation legislation which came into force on 1st October 2023... thus, depriving Highland Council of much needed income!

Yours faithfully,

Mrs. P.M.A. Coleman.



(Written entirely without Prejudice)



22 August 2023

Iain Meredith
Clerk to the Licensing Board
Highland Council
Glenurquhart Road
Inverness
IV3 5NX

Dear Sir

**LIQUOR LICENCE APPLICATION
MELROSE VILLA, 35 KENNETH STREET, INVERNESS**

We wish to object to the above application. Our grounds are as follows:

1. OVER-PROVISION

Granting of this licence will result in over-provision of licensed premises in the locality. This is indicated by the closure in recent years of the nearest public house (Finlays, Tomnahurich Street) which is now in use as a restaurant open only part of the week. The other licensed premises close by is the Thistle Inn, Celt Street. The public bar has not re-opened since the Covid lockdown, although the function room is in occasional use for parties, funeral lunches etc. Clearly local demand is low and already fully met.

There is no evidence of any wish for licensed premises in Melrose Villa. Much more attractive settings are available on Huntly Street and Ness Walk close at hand.

2. UNSUITABLE PREMISES

Melrose Villa is a Victorian House, with a very large recent rear extension, used for many years as a guest house. It is situated directly on the A82 trunk road (Kenneth Street) which is very busy and carries heavy traffic. There is no space at the front for tables and seating. It has no parking of its own and parking is not available on its side of Kenneth Street. There is no history of operation as a restaurant or bar, or of having related facilities such as storage or suitable toilets.

3. INADEQUATE ACCESS TO THE PREMISES

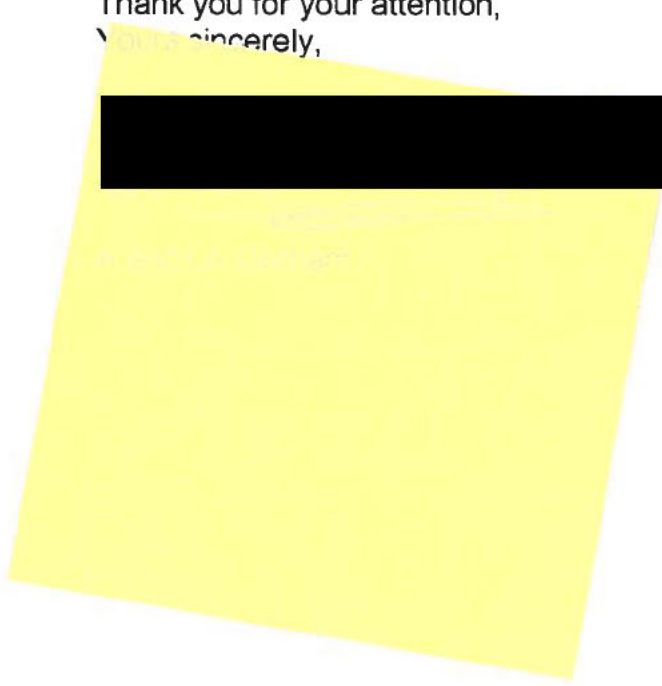
Melrose Villa has a front door entrance together with an access along a narrow unlit passage of 1.14 metre width behind adjacent properties. It does not appear to have title to the passage, only servitude right of access. One side of it is about a metre from the doors and windows of other properties. Use of this passage would cause nuisance to neighbouring properties, and after hours use by noisy or inebriated customers could cause nuisance and possibly pose a risk.

4. NOISE AND DISTURBANCE

Melrose Villa has a small L-shaped garden area to the rear of the property. This is likely to be used as an outdoor drinking area. Users may be noisy and possibly play music there.

The area beyond the property consists of numerous back garden areas with garden areas, fences, drying greens etc. Approximately 20 properties in Kenneth Street, Duncraig Street and Planefield Road back onto this space. Most have sitting rooms, bedrooms and/or both at the backs of the houses. Hence a large number of residents could be disturbed by customers of the proposed licensed premises.

Thank you for your attention,
Yours sincerely,

A black rectangular redaction box covering the signature of the sender.

Marjory Bain (Legal Team (Licensing))

From: alan howie <alan.howie@scot.nhs.uk>
Sent: 23 August 2023, 11:20
To: Licensing
Subject: License Application

CAUTION: This email was sent from outside of the NHS. Do not open attachments unless you recognise the sender and know the content is safe.

Sir
From
Alan Howie

I herewith formally object to the application for serving alcohol at Melrose Villa
35 Kenneth Street
Inverness
IV3 5DH.

- 1 The area is prominently residential.
- 2 The proximity of Central Primary school means young children are frequent users of the adjacent roads.
- 3 Kenneth Street is a very busy traffic artery and patrons utilising licesed premises are not to be encouraged particularly if inebriated.
- 4 Car parking is at a premium in the zone where Melrose Villa is situated.
- 5 As there appear to be no adequate exit routes there is the probability of a major fire escape hazard.

Please acknowledge receipt of this representation.

Regards
Alan Howie

Sent from Yahoo Mail on Android

Marjory Bain (Legal Team (Licensing))

From: Ian Meredith Legal Team (Licensing)
Sent: 14 August 2017 15:37
To: Victoria Cook (Legal Team (Licensing))
Cc: Ian Meredith Legal Team (Licensing)
Subject: Direction to the application for premises licence at Melrose Villa 35 Kenneth Street

Objection below.

IM

From: allanmacdonald7255@yahoo.co.uk
Sent: 14 August 2017 15:31
To: Ian Meredith Legal Team (Licensing) <Ian.Meredith@glasgow.gov.uk>
Subject: Direction to the application for premises licence at Melrose Villa 35 Kenneth Street

CAUTION: This email and any attachments are UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). Do not disseminate, distribute or open attachments unless you recognise the sender.

Hello,

Please can you acknowledge receipt of this objection by email.

1. Full Name and Address of person making objection/representation:

Allan MacDonald

[Redacted address]

allanmacdonald7255@yahoo.co.uk
07819075474

2. Address of Premises in respect of which objection / representation is made:

MELROSE VILLA, 35 KENNETH STREET, INVERNESS, IV3 5DH

3. Details of any OBJECTION

1. Licensing Objectives - preventing crime and disorder; preventing public nuisance; protecting and improving public health.

My property has an adjoining boundary to this property. Our bedrooms overlook the garden area of this property and the use of it for the sale and consumption of alcohol (outdoor drinking facilities is specifically mentioned in the notice) until midnight every day of the week is likely to be a public nuisance by causing noise and disturbance that will impact on sleep and also impacting on our rights to privacy in our adjoining garden area in early evenings or afternoons. This is a quiet residential area of enclosed back gardens where any noise is amplified by the walls surrounding it.

An alcohol licence could of course lead on to music licence and functions being held in what is extensively a quiet garden area below our bedrooms.

2. Activities/Premises/Customers

This is a residential neighbourhood area with elderly people and young families residing in it. It also has primary and secondary schools within close proximity to Melrose Villa.

3. Over Provision

The locality of Inverness city centre is full of licensed premises with several bars located nearby.

Tesco Metro and a Spa shop cater extremely well for the sale of alcohol to be consumed off premises.

We also already face parking problems for those already there without the pressure of more people turning up for functions or late night events.

The owner of Melrose Villa informed me this was simply a cheap way of avoiding STHL licencing and they would never use the drinks facility.

However if granted there is no gaurantee of this and it could have a very detrimental effect on the quality of life on us that share that back garden area.

Yours sincerely,

Allan MacDonald

Sent from my Galaxy

Marjory Bain (Legal Team (Licensing))

From: Dflrudkin [mailto:dflrudkin@btconnect.com] >
Sent: 23 August 2023, 12:47
To: Licensing
Subject: Representation of Objections in relation to a Premise Licence Application under the Licensing (Scotland) Act 2021

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Derek & Fiona Rudkin of [REDACTED] making the Objection in respect of premises at
Melrose Villa 35 Kenneth Street Inverness

My property is very close to this property and the use of it for the sale and consumption of alcohol, indoor and outdoor every day is likely to be of public nuisance by causing noise and disturbance that will impact on sleep and on privacy.

This is a residential neighbourhood area with elderly people and young families residing in it.

It also has primary and secondary schools within close proximity to Melrose Villa.

Within this area of Inverness there are many bars and licensed premises located nearby.

There are also Tesco Metro and a Spar shop licensed to sell alcohol approx 5 minutes walk away from Melrose Villa

We strongly object to this licence being granted,

Yours faithfully

Derek & Fiona Rudkin

Sent via BT Email App

Ma [redacted]

From: [redacted] (Property Risk)
Sent: 18 August 2023 17:12
To: [redacted] Licensing Team (Licensing))
Subject: REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Follow Up Flag: [redacted]
Flag: [redacted]

Hi M. [redacted]

Please see below emails re – objections in relation to Melrose Villa from residents of Planefield Road whose gardens run back to back , some of which share a common boundary with Melrose Villa.

Shonnie

From: Findlay Walker <[redacted]>
Sent: 18 August 2023 17:53
To: Shonnie Campbell <[redacted]>
Subject: Fwd: REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

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Hi Shonnie,

I share Ruth's concerns about this licence being granted and I object.

My contact details are as follows:

Findlay Walker

[redacted]

[redacted]
[redacted]

Cheers,
Fin

----- Forwarded message -----

From: [redacted]
Date: Fri, 18 Aug 2023, 14:51
Subject: Fwd: REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005
To: [redacted]

Hi Allan, Fin and James,

Below email of what I have just sent off the licensing board to object. Feel free to copy and past or just forward on and say you agree with me. I've covered the key points after speaking to Shonnie today. Here's his details.

Liquor licence applications - Inverness, Melrose Villa, 35 Kenneth Street, Provisional

I am happy to call along to speak to you in person and answer any questions you may have or you can call me on 07920 118 304 and we can have a chat.

Regards

Shonnie

Shonnie Campbell/Seonaidh Cairmbeul
Licensing Standards Officer
shonnie.campbell@highland.gov.uk

Corporate Governance | Performance & Governance |
The Highland Council, Glenurquhart Road, Inverness. IV3 5NX

Happy for you to send this onto any more neighbours. I don't have anyone else's contact details.

Cheers

Ruth

Begin forwarded message:

From: Ruth Oulton
Subject: REPRESENTATION IN RELATION TO A PREMISES LICENCE APPLICATION (SCOTLAND) ACT 2005
Date: 18 August 2020
To: licensing@highland.gov.uk

Hello,

Please can you acknowledge receipt of this objection by email.

1. Full Name and Address of person making objection/representation:


Ruth Oulton

[Redacted Address]

[Redacted Address]

2. Address of Premises in respect of which objection / representation is made:

MELROSE VILLA, 35 KENNETH STREET, INVERNESS, IV3 5DH



23 August 2023

Iain Meredith
Clerk to the Licensing Board
Highland Council
Glenurquhart Road
Inverness
IV3 5NX

Dear Sir


MELROSE VILLA, 35 KENNETH STREET, INVERNESS
LIQUOR LICENCE APPLICATION

I wish to object to the above application for the following reasons.

Noise and disturbance

Melrose Villa back garden area is less than 10 metres from 24 and 24A Duncraig. Just a hedge and gate lie between. If the back garden area of Melrose Villa is used for outdoor drinking or as a beer garden, we will suffer noise and disturbance. This is likely to be in the evenings or at night. The noise levels would be intolerable even for a small number of drinkers. The location is obviously unsuitable for use as a guest drinking area, and there seems very little accommodation within the Villa for drinkers.

Access though back lane

There is a back lane to Melrose Villa alongside the side area of  going close to doors and windows. I am concerned about its use by patrons of Melrose Villa, both from the viewpoint of noise/disturbance and also security. The lane is narrow and unlit, and I would feel unsafe with large numbers of people using that lane, some of them possibly under the influence of drink.

Public health and welfare

Excessive drinking is a serious problem in our society. Any additional outlet can only increase that problem, so the proposed outlet will harm public health. There are plenty of places to drink in this without adding more.

Yours sincerely,

H Graham

Marjory Bain (Legal Team (Licensing))

From: marjory.bain@highland.gov.uk
Sent: 27 August 2023, 16:17
To: Licensing
Subject: Objection

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

FROM:
John and Mairi MacLeod, [REDACTED]

Subject: REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Date: 22nd August 2023

To: licensing@highland.gov.uk

Hello,

Please can you acknowledge receipt of this objection by email.

1. Full Name and Address of person making objection / representation:

John and Mairi MacLeod, [REDACTED]

2. Address of Premises in respect of which objection / representation is made:

MELROSE VILLA Ltd, 35 KENNETH STREET, INVERNESS IV3 5DH

3. Details of any OBJECTION

1. Licensing Objectives – preventing crime and disorder; preventing public nuisance; protecting and improving public health.

The rear of Melrose Villa is directly opposite to our property. The use of this area for the sale and consumption of alcohol (outdoor drinking facilities are specifically mentioned in the notice) until midnight every day of the week would create public nuisance causing noise and disturbance. This will have an impact on our sleep and impinge on our privacy. Further to that there is a lane leading from the rear of Melrose Villa, which exits on to Duncraig Street, right opposite our front gate. The lane has only been used by them for taking bins in and out. If outdoor drinking facilities were allowed drinkers would no doubt use this lane causing even greater disturbance impacting on sleep and our rights to privacy.

2. Activities/Premises/Customers

This is a residential neighbourhood area with elderly people and young families residing in the area. There is a large amount of children using the streets in the area to go to and from Nursery, Primary and Secondary Schools. The schools are within close proximity to Melrose Villa.

3. Over Provision

The area is well catered for licensed premises in Celt Street, King Street, and Young Street which are in close proximity to Melrose Villa. The town centre which is also fairly close is full of bars.

Tesco Metro and a Spar shop are close by, both have an off licence and cater extremely well for the consumption of alcohol off premises.

Yours sincerely

John MacLeod
Mairi MacLeod

Marjory Bain (Legal Team (Licensing))

From: James McIlraith <[REDACTED]@scot.nhs.uk>
Sent: 23 August 2023 10:47 AM
To: Licensing
Subject: REPRESENTATION FOR LICENSING IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005
Attachments: 1. Melrose Villa garden area from bedroom of Mardon Guest House.jpg; 2. Melrose Villa garden area from bedroom of Mardon Guest House.jpg; 3. Melrose Villa garden area from bedroom of Mardon Guest House.jpg; 4. Melrose Villa garden area from bedroom of Mardon Guest House.jpg; 5. Melrose Villa garden area from bedroom of Mardon Guest House.jpg; 6. Melrose Villa garden area from bedroom of Mardon Guest House.jpg; 7. proximity of Melrose Villa garden area (right) to Mardon Guest House (left).jpg; 8. proximity of Melrose Villa garden area (left) to Mardon Guest House (right).jpg; 9. proximity of Melrose Villa garden area (right) to Mardon Guest House (left).jpg

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

Please can you acknowledge receipt of this objection by email.

1. Full Name and Address of person making objection/representation:

James and Angela McIlraith, [REDACTED]
[REDACTED]

2. Address of Premises in respect of which objection / representation is made:

MELROSE VILLA, 35 KENNETH STREET, INVERNESS, IV3 5DH

3. Details of any OBJECTION

We object to the granting of a liquor licence for Melrose Villa and in particular to the use of the outside area of Melrose Villa for consumption of alcohol.

1. Licensing Objectives - preventing crime and disorder; preventing public nuisance; protecting and improving public health.

Our property is next door to this property. Our bedrooms overlook the garden area of this property. The outside rear garden area of Melrose Villa is only 11 feet away from our

property. The use of it for the sale and consumption of alcohol (outdoor drinking facilities is specifically mentioned in the notice) every day and evening of the week is likely to be a public nuisance by causing noise and disturbance that will impact on sleep and also impact on our rights to privacy.

People drinking alcohol in the garden would undoubtedly impinge and cause angst and upset to both ourselves and our guests due to the close proximity of the garden of no 35 Kenneth Street to our property.

Our private living accommodation is 11 feet away from the garden area of Melrose Villa and we would be severely affected by any noise and disturbance resulting from outdoor alcohol consumption which would cause a public nuisance as it would impact on our sleep and our right to privacy.

Our livelihood would also be seriously impacted by noise and disturbance from alcohol consumption in the garden area of Melrose Villa which is directly below our bedroom windows. Many of our guests are elderly, retiring to bed early before early morning tours and their sleep would be seriously affected if there was noise and disturbance directly below our bedroom windows. We also have guests with young children who would be affected by noise, disturbance or bad language resulting from outdoor alcohol consumption in the garden next door.

2. Activities/Premises/Customers

This is a densely populated, quiet, residential neighbourhood with elderly people and young families residing in it. It also has primary and secondary schools within close proximity to Melrose Villa.

3. Over Provision

The locality of Inverness city centre is full of licensed premises with several bars located nearby. Our guests tend to come to stay on this quieter side of the river to avoid the noise caused by people drinking alcohol in the centre of town, whereas people who don't mind this sort of noise often stay in accommodation on the other side of the river where most of the pubs and night life are situated.

Tesco Metro and a Spa shop cater extremely well for the sale of alcohol to be consumed off premises.

Please see the attached 9 photos showing the close proximity of our property to Melrose Villa's back garden. A thin dividing wall separates our properties.

The distance between our property and Melrose Villa's back garden is 11 feet. Some of the photos were taken from our guests bedroom windows and the other photos were taken looking up and looking down our drive which is 11 feet wide. They show how close the garden area of Melrose Villa is to our property.

Atkinson Safe Tugger Team (16 members)

Name: Coinneach B Macmillan
Email: [redacted]
Phone: [redacted]
Address: [redacted]

13 1 17
[redacted]
[redacted]

street, Inverness,

Follow the flag
Flag Number: [redacted]

[redacted]

[redacted]

[redacted]

you recognise the

From: Coinneach B Macmillan <[redacted]>
Date: Tue, Aug 12, 2014 at 11:41 AM
Subject: Objection to a Premises licence at Melrose Villa, 35 Kenneth Street, Inverness, IV3 5DH
To: [redacted]

Melrose Villa, 35 Kenneth Street, Inverness, IV3 5DH

Coinneach B Macmillan, [redacted]

Dear Sir/Madam,

I wish to object to the proposed Premises licence for the above address.
[redacted] is situated one door away from Melrose Villa, and as I understand from the application, outdoor drinking facilities are going to be applied for and made available until 10pm. This will obviously have an impact by noise and disturbance to homes and Guest Houses in close proximity to Melrose Villa. Considering that Melrose Villa is within a 5 minute walk from an abundance of Pubs and Restaurants, this would be over provision.

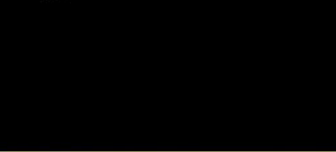
Yours sincerely,

Coinneach B Macmillan

REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

1 Full Name and Address of person making objection/representation:

Lisa Kennard



01463 201111
cedary@cedary.com

2 Address of Premises in respect of which objection/ representation is made:

Melrose Villa
35 Kenneth Street
Inverness
IV3 5DH

3 Details of any OBJECTION:

3 Licensing Objectives:

Our main objection is that our bedroom wall is against the fence that separates our property from the garden of Melrose Villa. There is not even an inch between where we sleep and the proposed beer garden. Melrose Villa has a maximum occupancy of approximately 18 guests. There is a possibility therefore of having 18 people drinking outside our bedroom whilst we try to sleep. My husband and I run our guest house without additional staff. We are full from April to October and work long days. Our day starts at 6 am and I am in bed by 8-8.30pm and my Husband by 9pm. He is 70 years old and a very light sleeper. I have a sleep disorder that requires medication to make me sleep. Part of this medical condition also means that if I wake for any reason it is virtually impossible for me to get back to sleep. Having this beer garden so close will inevitably end up affecting both our physical and mental health.

Two of our guest rooms face onto the back garden accommodating a maximum of 5 guests. That is a potential 5 guests per night complaining to us because of the noise from next door. The likelihood of my review rating declining would be inevitable if this licence is granted. The granting of this licence would impact my business. Our business is currently for sale and yet again the granting of this licence would obviously affect our saleability.

The houses surround Melrose Villa are mostly residential with the gardens backing on to the proposed beer garden. It is a very quiet area and we cannot see how residents sleep would not be affected and there would obviously be an increased risk of crime, public disorder, public nuisance, detrimental effect on public health and potential harm to children.

When Lisa spoke to the manager of Melrose Villa (cant remember her name), she informed me that Melrose would be run as a "room only" accommodation with no member of staff staying on the premises. If that is still the case then how are guests buying the alcohol and who would be monitoring their behaviour and limitations? There would obviously be an increased risk of crime,

public disorder, public nuisance, detrimental effect on public health and potential harm to children. Even if there was a member of staff on site there would still be an increased risk of the above.

4 Activities/Condition of Premises/ Customers

If this licence is granted it would change the character of a currently peaceful, quiet neighbourhood.

Finally, there are 2 shops within a 3 minute walk of Melrose Villa if guests wished to buy alcohol to drink in their room. The first of many pubs is yet again within a 3 minute walk if guests wish to socialise and drink outside. We have rich culture in Inverness and are very welcoming and friendly. We should be encouraging visitors to see that side of ourselves not angry, upset neighbours.

We would ask the applicants withdraw their application and just “suck it up” and apply for the “Short Term Let” Licence like everyone else has had to do. If not we would ask the board to please deny this application at the very least because the beer garden would have a detrimental effect on our health.

Lisa Kennard (Owner) and Frank Eadie (Owner)



Melrose Villa

35 Kenneth Street

Inverness

Liquor licence



To who in may concern


We live in [REDACTED] and object to a liquor licence been given to the property above. We live at the back of this property and object to a licence been given for inside /outside drinking space.

The reason for this is that we live on a quiet street and as we have heard this is going to be let out as all different apartments which will not have a reception or owners staying in the premises. We share a back lane at the side of our property and do not want people walking up and down there if they have been drinking. We are very concerned as this is a residential area. We are also concerned over the parking as we have also have heard they are applying for parking permits. As we live in [REDACTED] no one in Kenneth street should be allowed to park on our street but they do and have a permit for the street which is not right. Happy to answer any questions you may have.

Nicola McIntosh



[Faint, illegible handwriting in blue ink, possibly a signature or stamp, located at the bottom of the page.]



16th August 2023

Your Ref: IM/MB/HC/INBS/687

Clerk of the Licencing Board - Highland Council HQ

RE: APPLICATION FOR GRANT OF PREMISES LIQUOR LICENCE - MELROSE VILLA INVERNESS IV3 5DH.

Dear Sir/Madam,

I am in receipt of a proposed application for the granting of the above.

There has been no information as to how Melrose Villa is going to now trade... will it still trade as in the past, as a bona-fidè "Tourist" Bed & Breakfast establishment OR is it to be operated as an newly designated "Short Stay Air B'nB"...both of which I believe are going to be bound under the new Scottish Government Legislation and would now be subject to strict adherence, plus payment of "extra licencing fees" under this said new legislation... I wish to state my concerns and object on the following grounds:-

1. That I believe the new owners' of Melrose Villa have found "a legal loophole" around the registration of their business... be it trading as, a Short Stay Air B'nB or even continuing trading as a Bed and Breakfast guesthouse, because, by applying for, and obtaining a LIQUOR Licence, I believe their business would thus very astutely AVOID being bound by the new legislation, and if said licence is granted it would without a doubt set a precedent for other Inverness City Guesthouses to follow suit to evade the new legislation.
2. The property has been lying unoccupied for approx 4 years since the previous owner died. It does not appear that it has been renovated prior to starting trading again... and during the period of lying empty, new "fire regulations" have come into force, so I would hope this would also come into consideration... because, being a large 12 bedroom multi floor level establishment it certainly does not bode well especially if alcohol sales were going to be in operation!!
3. Also, there is no indication who the licensee would be... are they going to "live on" the premises as a condition and are they "personally" going to oversee the purchase of alcohol on the premises?
4. I cannot comprehend why a "service licence" would be needed unless of course it will be serving restaurant quality evening meals – and not just the serving of breakfasts!!... There are numerous eateries and licenced bars etc in the area, within walking distance and only yards from Melrose Villa, so I cannot fathom out just why an alcohol licence would be necessary.... unless of course it comes down to my previously mentioned Guesthouse and Air B'nB accommodation legislation "LOOPHOLE" which would exclude them from paying for the associated licence necessary, plus not having to adhere to the new strict Scottish Government rules that are coming into force shortly for these establishments.

I hope you will take my concerns' and objections into consideration before granting ANY type of Liquor Licence to Melrose Villa,

*My Further Grounds for Objection ..are as per your outlined Summary of Grounds for Refusal, numbers 4 and 5.

Yours faithfully, Patricia Coleman (Written without Prejudice)

Marjory Bain (Legal Team (Licensing))

From: Licensing
Sent: 21 August 2023 10:27
To: Ian Cox (Legal Team (Licensing)); Marjory Bain (Property Risk); Marjory Bain (Legal Team (Licensing))
Subject: FW: REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Hi

Highland Council

Highland

Highland

Richard Perry,
Senior Licensing Officer
Highland Council
Council Headquarters
Sherrinburn Road
Inverness
IV1 1AZ
Tel: 01462 785004
mailto:rich.perry@highland.gov.uk

From: Ruth Oulton <ruo5@highland.gov.uk>
Sent: 18 August 2023 14:49
To: Licensing (Licensing@highland.gov.uk)
Subject: REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

CAUTION: This email and any attachments are UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO) of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

Please can you acknowledge receipt of this objection by email.

1. Full Name and Address of person making objection/representation:

Ruth Oulton

[Redacted address]

01462 785004
07703 02293

2. Address of Premises in respect of which objection / representation is made:

MELROSE VILLA, 35 KENNETH STREET, INVERNESS, IV3 5DH

3. Details of any OBJECTION

1. Licensing Objectives - preventing crime and disorder; preventing public nuisance; protecting and improving public health.

My property adjoins this property. Our bedrooms overlook the garden area of this property and the use of it for the sale and consumption of alcohol (outdoor drinking facilities is specifically mentioned in the notice) until midnight every day of the week is likely to be a public nuisance by causing noise and disturbance that will impact on sleep and also impacting on our rights to privacy.

2. Activities/Premises/Customers

This is a residential neighbourhood area with elderly people and young families residing in it. It also has primary and secondary schools within close proximity to Melrose Villa.

3. Over Provision

The locality of Inverness city centre is full of licensed premises with several bars located nearby.

Tesco Metro and a Spa shop cater extremely well for the sale of alcohol to be consumed off premises.

Yours sincerely,

Ruth Oulton

Marjory Bain (Legal Team (Licensing))

From: Steven Murray - Inverness City Licensing
Sent: 21 August 2022 09:11
To: Licensing
Subject: REPRESENTATIONS OF OBJECTION TO A PREMISES LICENSING APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

CAUTION: This email was sent from outside of the organisation. Please ensure you recognise the sender and know the content is safe.

Hello,

Please can you acknowledge receipt of this objection by email.

1. Full name and address of person making objection/representation:

2. Address of premises in respect of which objection/representation is made:

MELROSE VILLA, 35 KENNETH STREET, INVERNESS, IV3 5DH

3. Details of any objection:

1. Licensing objectives - preventing crime and disorder, preventing public nuisance, protecting and improving public health.

My property is directly across the road of MELROSE and the use of it for sale and consumption of alcohol (outdoor drinking facilities is specifically mentioned) every day of the week will be a public nuisance by causing noise and disturbance that will impact on sleep and also impact on our rights to privacy.

2. Activities/premises/customers

This is a residential neighbourhood area with elderly and many young families residing in it. There are several primary and secondary schools extremely close by - a premises selling and allowing consumption of alcohol is completely inappropriate for this area.

3. Over provision

Inverness city centre is a 5 minute walk and provides ample bars and restaurants to allow the consumption of alcohol. Tesco metro and a Spar shop are also 5 minute walks from MELROSE and cater for the sale of alcohol.

I trust you will consider all of the above and come to the correct decision.

Yours sincerely,
Steven Murray

Marjory Bain (Legal Team) (Licensing))

From: Shonnie Campbell (Property Risk)
Sent: 21 August 2023 09:03
To: Marjory Bain (Legal Team (Licensing))
Subject: REQUESTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Good morning Marjory

Please find attached correspondence from Ruth Oulton in respect of;

Liquor licence applications - Inverness, Melrose Villa, 35 Kenneth Street, Provisional

Durachdan

Shonnie

From: Ruth Oulton <ruth@inverness.gov.scot>
Sent: 21 August 2023 09:37
To: Licensing <licensing@highland.gov.uk>; Shonnie Campbell (Property Risk) <shonnie.campbell@highland.gov.uk>
Subject: REQUESTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

CAUTION: This email was sent from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Licensing and Shonnie,

Shonnie thank you for your time on the phone last week. You should have received separate email objections from neighbours by now but many of the people in our neighbourhood don't use computers etc so as discussed we have collected 27 signatures in objection to the Melrose Villa liquor license application.

Please can you confirm receipt of these.

Regards

Ruth

3. Details of any OBJECTION

1. Licensing Objectives - preventing crime and disorder; preventing public nuisance; protecting and improving public health.

My property adjoins this property. Our bedrooms overlook the garden area of this property and the use of it for the sale and consumption of alcohol (outdoor drinking facilities is specifically mentioned in the notice) until midnight every day of the week is likely to be a public nuisance by causing noise and disturbance that will impact on sleep and also impacting on our rights to privacy.

2. Activities/Premises/Customers

This is a residential neighbourhood area with elderly people and young families residing in it. It also has primary and secondary schools within close proximity to Melrose Villa.

3. Over Provision

The locality of Inverness city centre is full of licensed premises with several bars located nearby.

Tesco Metro and a Spa shop cater extremely well for the sale of alcohol to be consumed off premises.

Yours sincerely,

Ruth Oulton

Please regard this e-mail as a written objection from the resident/house owner at [REDACTED] in regards to the notification of an application for a provisional premises licence under the Licensing (Scotland) Act 2005 for Melrose Villa, Kenneth Street, Inverness, IV3 5DH.

The grounds I see as relevant are as follow:-

The hours for on and off sales for a property of this nature is extreme, this is a residential street and a 10am to 10pm liquor licence makes me uneasy about the nature of the business that is seeking such a licence, having drinks available during these hours has potential to invite a public nuisance element to the street.

I live a few doors away I have an 18month old and wish to ensure that I protect my child from potential harm of drunken folk causing a disturbance just a few doors away.

As I understand it the rules which govern B&B's or Small Hotel's to sell alcohol do not run from 10am to 10pm and it's the 12 hour period that this application seeks that is causing me alarm so much do that I am raising a formal objection.

I urge the Licensing Board to look closer at the motive of those seeking this application and please consider the impact it will have on neighbours with small children currently residing on Kenneth Street.

Should you need to call me in regards to this objection you can reach me on [REDACTED] or by e-mail to this address.

Yours sincerely,
Teresa O'Connor

01/09/2023

Your Ref:

Our Ref: 745181

Highland Council
Licensing Office
Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX



**POLICE
SCOTLAND**

Keeping people safe

Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

Dear Sir,

**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PROVISIONAL PREMISES LICENCE MELROSE VILLA, 35 KENNETH
STREET, INVERNESS, HIGHLAND, IV3 5DH.
MELROSE VILLA LIMITED**

I refer to the above application and in terms of Section 21(4) (a) (i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

From scrutiny of the application it would appear that it would be most appropriate for the premises licence to allow alcohol to be sold to residents only. Outdoor drinking would appear to be unsuitable for this premises given its close proximity to residential properties raising concern for a breach in the Licensing Objectives, namely;

The prevention of public nuisance

And

The prevention of crime and disorder

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

Yours faithfully

OFFICIAL



Chief Superintendent Rob Shepherd
Divisional Commander

For enquiries please contact the Licensing Department on 01463 720817.