

The Highland Licensing Board

Meeting – 9 January 2024

Agenda Item	6.1
Report No	HLB/03/24

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

Kinnoch Lodge, 13 Ballifeary Road, Inverness, IV3 5PJ

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 Kinnoch Lodge, 13 Ballifeary Road, Inverness, IV3 5PJ

1.0 Description of premises

1.1 The Kinnoch Lodge is situated in a residential area just a 10 minute walk from Inverness City Centre and consists of five letting bedrooms.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1500 hours to 2200 hours

3.0 Background

3.1 On 16 October 2023 the Licensing Board received an application for the grant of a premises licence from Chrisann Marion O'Halloran.

The application was accompanied by a Disabled Access Statement.

3.2 The application was publicised during the period 30 October until 20 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, 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) Kinnoch Lodge is a substantial detached Victorian Villa, standing in its own extensive grounds in a residential district of Inverness.

(ii) The premises like many others in this locality, is currently being run as a bed and breakfast establishment by the applicant, offering residential accommodation to 8 guests.

(iii) The applicant now seeks to offer an additional service to her guests, by providing the ability to purchase alcohol on the premises. The applicant has thought this through, so she has good control over the service; on sales hours are very conservative, being 1500 to 2200 hours. Alcohol will be stored in a glass fronted fridge in the main hallway which will be kept locked. Guests wishing a drink will require to contact the applicant to serve them, by such, means each sale is very closely supervised.

(iv) In addition, the applicant has asked if guests can take a drink into the garden. The LSO has viewed the property and the garden is substantial, there is a designated patio area with seating for guests covered by a gazebo. The LSO is confident that with the close scrutiny of sales and small number of residential guests, will not result in any public nuisance; in addition, the applicant has agreed with the LSO's suggestion that outside consumption of alcohol will cease at 2100 hours.

(v) It is also worth pointing out, that following the public consultation phase of the application, no objections or representations were received from occupants of neighbouring property.

(vi) The application has been submitted with disabled access statement, 3 Section 50 certificates and layout plan. The operating plan in the opinion of the LSO complies with the licensing objectives.

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the schedule of local conditions:

(m) After 2100 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

7.3 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 condition detailed at para. 7.2 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/695
Date: 6 December 2023
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