

The Highland Licensing Board

Meeting – 26 March 2024

Agenda Item	7.1
Report No	HLB/24/24

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

The Koko Rooms, 11 Southside Road, Inverness, IV2 3BG

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 The Koko Rooms, 11 Southside Road, Inverness, IV2 3BG

1.0 Description of premises

1.1 The The Koko Rooms is situated in the Crown area, Inverness and consists of four bedrooms all ensuite, central reception and lounge area.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1600 hours to 2300 hours

3.0 Background

3.1 On 2 February 2024 the Licensing Board received an application for the grant of a premises licence from Aberfeldy Lodge Rooms.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 12 February until 4 March 2024 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) These premises are a suite of four ensuite bedrooms attached to the main dwelling house at 11 Southside Road, Inverness. Whilst joined to the owners dwelling the extension is entered via its own doorway, which leads into a central reception area and lounge, off which the four ensuite bedrooms providing accommodation for up to 10 guests can be accessed. The owners also have a separate doorway linking the main property to the extension. Exclusive guest car parking is accessed in a gravelled area at the rear.

(ii) Alcohol is requested to be sold on the premises via mini fridges in each bedroom, with the addition of an honesty bar situated in the lounge area.

(iii) The property has a decked area as well as a small lawn, which are requested to be included in the licensed footprint.

(iv) The LSO has inspected the property, which is already trading solely in accommodation and in his view, it is suitable for the sale of alcohol as described within the operating plan. The necessary section 50 certificates and disabled access statement have accompanied the application.

(v) It is the view of the LSO, that use of the decking and lawn outside drinking areas be limited to a maximum of 2200 hours for consumption of alcoholic and non-alcoholic beverages, this is due to the proximity of neighbouring dwellings.

(vi) The applicant has indicated that use of the fridges and honesty bar will be covered with guests prior to arrival, in addition, the ability of the owners to enter and inspect the accommodation at any time will assist in effective overall control.

(vii) In summation the LSO is content that the application is in step with the 5 licensing objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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 2200 hours, alcohol or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

n(i) No live or recorded music shall be played 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 conditions 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/699
Date: 5 March 2024
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