

## The Highland Licensing Board

Meeting – 6 January 2017

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|-------------|------------|
| Agenda Item | 8.3        |
| Report No   | HLB/007/17 |

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

Frankie and Benny's, Unit 3Ai, Inverness Shopping Park, Eastfield Way, Inverness, IV2 7GD

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of a provisional premises licence by The Restaurant Group (UK) Limited.

#### 1.0 Description of premises

1.1 Frankie and Benny's is situated within the Eastfield Retail Park, Inverness and consists of an Italian/American themed family restaurant with a small external seated area.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

(1) Q5 (further details box) – para. 2 line 1, after words “retirements, etc.” add “and Club or Other Group Meetings”.

(2) Q7 – increase capacity from 152 to 181.

(3) Reconfiguration of internal seating and addition of external covers as per Drawing No. 20\_07\_07f.

#### 3.0 Background

3.1 On 25 October 2016 the Licensing Board received an application for a major variation of a provisional premises licence from The Restaurant Group (UK) Limited per Pinsent Masons LLP, 141 Bothwell Street, Glasgow, G2 7EQ.

3.2 The application was publicised during the period 7 November until 28 November 2016 and confirmation that the site notice was displayed has been received.

- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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:

[http://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **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 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. having regard to the number and capacity of licensed premises of the same or similar description as the subject premises (taking account of the proposed variation) in the locality in which the subject premises are situated, 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 that description in the locality.
- 4.2 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.

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.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

(i) The premises concerned are a retail unit, within a purpose built shopping complex on the outskirts of Inverness.

(ii) The premises were granted a provisional licence at the October 2016 meeting of the Highland Licensing Board.

(iii) Subsequently, a major variation application has been received to vary the internal layout of the premises, which will increase the occupancy from 152 persons to 181 persons. Suitably amended layout plans have been submitted by the applicants to reflect the changes.

(iv) In addition minor amendment has been made to section 5 of the operating plan at the further details section where the words “and club or other group meetings” have been added.

(v) No objections or representations have been received concerning this application.

(vi) In the opinion of the LSO should the Board be minded to grant the application no threat would be occasioned to the licensing objectives.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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**

Existing local conditions will continue to apply and no additional 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/594

Date: 30 November 2016

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Background Papers: The Licensing (Scotland) Act 2005/Application Form.