

The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	9.8
Report No	HLB/125/14

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

Pizza Express, Unit B Falcon Square, Inverness IV1 1LQ

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/175

This report relates to an application for a major variation of premises licence.

Premises: Pizza Express, Unit B Falcon Square, Inverness IV1 1LQ

Applicant: PizzaExpress (Restaurants) Ltd, Hunton House, Highbridge Estate, Oxford Road, Uxbridge, Middlesex UD8 1HU

1 Description of Premises

On sales premises. This is a family restaurant set over ground and first floor. The ground floor contains main customer restaurant area, bar and kitchen area, various food storage rooms, administration rooms and toilets. There is an external dining area. First floor is for staff only. There are no residential properties within the immediate vicinity of the premises.

1.1 Current Core Operating Hours

On Sales:

Monday to Saturday 09.00 hrs. to 23.00 hrs.

Sunday 12.00 hrs. to 23.00 hrs.

Off Sales:

N/A

2 Summary of Variation Application

2.1 Variation Sought

Licensing hours for on sales:

1. Amend Sunday opening to: 11.00 hrs. to 23.00 hrs.

Licensing hours for off sales:

2. The addition of off sales Monday to Saturday from 10.00 hrs. to 22.00 hrs. Sunday 11.00 hrs. to 22.00 hrs.

The off sales facility will only be used in conjunction with takeaway food.

Question 5(f) (additional activities)

3. Addition of takeaway food; and addition of pizza making parties and demonstrations.

3 Background

- 3.1 On 27 August 2014 the Licensing Board received an application for a major variation of a premises licence from the applicant's agent, Pinsent Mason, 141 Bothwell Road, Glasgow G2 7EQ.
- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the period (1 September to 22 September 2014). Confirmation of display of the site notice has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), and Planning and Building Standards were consulted on the application.

Notification and a copy of the application have been sent to NHS Highland.

The local Community Council for Inverness Central is not currently formed.

- 3.4 Notice of the application has been sent to and all the people listed under S21 (1) of the Act.
- 3.5 No objections have been received in respect of the application.

4 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. that the grant of the application will be inconsistent with one or more of the licensing objectives;
 2. that 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. that having regard to the number and capacity of (i) 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 over provision of licensed premises or licensed premises of that description in the locality.
- 4.2 The Board only has power to either grant the application and make a variation of the conditions to which the licence is subject or refuse the application.

If the Board refuses 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.

5 Licensing Standards Officer's Comments

Pizza Express is a well-established restaurant with outside seating area situated at Falcon Square, Inverness. The premises are family friendly and have a trouble-free operating history. Compliance visits carried out by the LSO have shown a good standard of observance of the Licensing conditions.

Application has been made to offer alcohol sales from 11.00 hrs on Sundays in line with current Board policy. The premises are very much food led with alcohol being an ancillary product and the LSO is of the opinion that this will have no adverse effect on the Licensing Objectives.

The premises seek to be able to offer additional facilities to customers in the form of takeaway food and pizza making parties and demonstrations. These additional facilities being recorded within the operating plan with suitable wording at Section 5(f). With the addition of the takeaway food provision the applicants also seek the facility to provide off sales as an accompaniment to takeaway orders. The hours sought for the sale of off sales is compliant with both Highland Licensing Board policy and the provisions of the Licensing (Scotland) Act 2005.

The applicants have stated within their application that off sales will solely be provided only as an accompaniment to takeaway food. The Board, with cognisance of the fourth Licensing Objective concerning promotion of health, may wish to endorse this with a condition.

Should the Board be minded to grant this variation the LSO is of the view that there will be no adverse impact on the Licensing Objectives.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

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**

The existing local Licensing Conditions contained within the Licence shall continue to apply.

7.3 **Specific Local Condition**

The following specific local condition is recommended;

Off-sales of alcohol shall only be made to persons purchasing takeaway food.

8 Recommendation

The Board is invited to determine the above application and the local conditions and the specific condition recommended at paragraphs 7.2 and 7.3.

If the Board refuses 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.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/175

Date: 10th September, 2014

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/application form.

Licensing Board Policy Statement from 1 December 2013 to November 2016