

The Highland Licensing Board

Meeting – 19 February 2019

Agenda Item	8.3
Report No	HLB/018/19

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

Glen Mhor Hotel, 8-15 Ness Bank, Inverness, IV2 4SF

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Glen Mhor Limited, First Floor Templeback, 10 Temple Back, Bristol, BS1 6FL.

1.0 Description of premises

1.1 Glen Mhor Hotel is a family run business located on the banks and of the river Ness just minutes from the city centre and consists of letting bedrooms and apartments.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1100 hours to 0100 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Q1(a): will alcohol be sold for consumption solely on the premises. Currently answered in the affirmative and has now been answered in the negative.
- (2) Q1(c): will alcohol be sold for consumption both on and off the premises. Currently answered in the negative and has now been answered in the affirmative.
- (3) The current premises licence for the Waterside Hotel has an off sales facility - all off sales at the Premises will be resourced from stock and there is no separate off sales display area.

- (4) Q3: statement of core times when alcohol will be sold for consumption off premises. The core times for off sales will be 1000-2200 hrs seven days a week.
- (5) Q4: seasonal variations. This has now been answered in the affirmative, with an appropriate comment to replace the existing comment.
- (6) The current premises licence for the Waterside Hotel provides for operation according to seasonal demand. Again, this is in-keeping with the policy statement and supplementary policy statement.
- (7) Q5(a): other activities or services that will be provided on the premises in addition to supply of alcohol - restaurant facilities and bar meals. The 4th column was answered in the negative and has now been answered in the affirmative.
- (8) Q5(b) other activities or services that will be provided on the premises in addition to supply of alcohol - receptions and club or other group meetings. The 4th column was answered in the negative and has now been answered in the affirmative.
- (9) Q5(c) other activities or services that will be provided on the premises in addition to supply of alcohol music and dance facilities. The 4th column was answered in the negative and has now been answered in the affirmative.
- (10) Q5(c) other activities or services that will be provided on the premises in addition to supply of alcohol - theatre: the 2nd and 3rd columns were answered in the affirmative and have now been answered in the negative.
- (11) other activities or services that will be provided on the premises in addition to supply of alcohol - indoor/outdoor sports: The 2nd, 3rd and 4th columns were answered in the negative and have now been answered in the affirmative.
- (12) Q5(d) other activities or services that will be provided on the premises in addition to supply of alcohol - outdoor drinking facilities. The 4th column was answered in the negative and has now been answered in the affirmative.
- (13) Q6(b) – children and young persons. The current premises licence wording should be held to delete and substituted with the wording contained in the draft operating plan.
- (14) Increase in capacity from 310 to 690

4.0 Background

- 4.1 On 29 November 2018 the Licensing Board received an application for a major variation of a premises licence from Glen Mhor Limited.
- 4.2 The application was publicised during the period 7 January until 28 January 2019 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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://highland.gov.uk/hlb_hearings

5.0 Legislation

- 5.1 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. 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.
- 5.2 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.

5.3 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.

5.4 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

(i) The Glen Mohr Hotel, Ness Bank, Inverness is a substantial hotel on the river side of Inverness just outside the city centre. The licence holders over the years, have gradually increased the estate of the hotel, by purchasing substantial Victorian villas next to the hotel as they have individually come up for sale, until now, they own the Glen Mohr Hotel all intervening properties to the Waterside Hotel which they also own, in effect this is a unbroken row of properties between and inclusive of both hotels.

(ii) Application has now been made through agents acting for the Glen Mohr owners, to amalgamate the entire row of property under one licence, namely HC/INBS/165; upon any grant of such a variation the separate premises licence held for the Waterside Hotel would be surrendered to the Highland Licensing Board.

(iii) An amalgamated operating plan has been submitted which in the opinion of the LSO, entirely meets the requirements of the licensing objectives. A revised set of layout plans has also been submitted.

(iv) It is the opinion of the LSO, that should the board grant this application there will be no adverse effect in respect of the licensing objectives.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

8.3 Special conditions

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

On any occasional where the premises are open after 0100 hours, the following conditions shall apply:

- (1) A person trained to the satisfaction of the licensing board in administering first aid must be present on the premises from 0100 hours (mandatory condition).
- (2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (local condition) (licensing objectives 1 and 2).
- (3) No live or recorded music shall be played in any outdoor drinking area after 1900 hours.

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. 8.2 and 8.3 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/165
Date: 30 January 2019
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