

## The Highland Licensing Board

Meeting – 5 November 2019

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|-------------|------------|
| Agenda Item | 8.1        |
| Report No   | HLB/106/19 |

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

Premier Inn, Loch Ness Hotel, Inverness, IV3 5TD

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by Whitbread Group plc, Houghton Hall Business Park, Porz Avenue, Dunstable, Bedfordshire, LU5 5XE.

#### 1.0 Description of premises

1.1 A 76 bed hotel situated at the top of Glenurquhart Road next to the new Kings Golf Club.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

- (1) To expand the licence to include an extension to the existing Premier Inn accommodation forming part of the building at this site. The current licence is based on a residential occupancy of 76 bedrooms with an average occupancy of 2-3 persons. The proposed extension will provide an additional 54 bedrooms over three floors. The overall capacity of the premises thereby increasing by 162 persons. The applicant seeks to reflect the upgraded capacity in the operating plan as follows:

On Sales – 703  
Accommodation - 397

The off sales area and capacity breakdown in respect of the bar and restaurant remains as currently approved.

Access to the premises and the remainder of the licensed area is unaffected. The extension will run a direct continuation of the existing Premier Inn.

- (2) To approve the layout changes as detailed on the plans submitted to the Highland Licensing Board. The restaurant is unaffected by the works. The updated plans incorporate the 54 additional bedrooms within the licensed area.

### **3.0 Background**

- 3.1 On 29 August 2019 the Licensing Board received an application for a major variation of a premises licence from Whitbread Group plc.
- 3.2 The application was publicised during the period 16 September until 7 October 2019 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:

[http://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_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 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.

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 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.

4.4 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.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

- (i) The Loch Ness House Beefeater occupies a substantial site on the west side of Inverness adjacent to the main A82 public road at Torvean. The premises have held a full premises licence since 2012. The history of operation has been entirely trouble free and compliance visits carried out by the LSO have shown good levels of diligence to the requirements imposed by the Licensing (Scotland) Act 2005.
- (ii) The premises are essentially an accommodation unit with substantial parking and an in house restaurant/bar in adjoining buildings. An application has been made to increase the accommodation part of the estate by the construction of a three storey unit housing an additional 54 bedrooms. This in turn will increase the overall capacity of the premises by 162 persons. Appropriate layout plans have also been lodged by the applicant.
- (iii) In the view of the LSO these changes do not affect licensing objectives in any adverse way, and whilst the bedrooms do come within the licensing footprint, the change is simply to allow guests to take a drink from the bar back to their room.
- (iv) Following the public consultation phase of this application no objections or observations have been received by the Licensing Board.

## **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**

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 and if minded to grant the 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/497  
Date: 22 October 2019  
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