

## The Highland Licensing Board

Meeting – 6 August 2024

Agenda Item	7.1
Report No	HLB/81/24

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

**Best Western Palace Hotel & Spa, 8 Ness Walk, Inverness, IV3 5NE**

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

##### Summary

This report relates to an application for a major variation of premises licence by Milton Hotels Limited, 8 Ness Walk, Inverness, IV3 5NE.

#### 1.0 Description of premises

1.1 Best Western Palace Hotel & Spa is situated on the banks of River Ness overlooking Inverness Castle and is a short walk from Inverness City Centre.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Friday: 1100 hours to 0100 hours  
Saturday: 1100 hours to 2345 hours  
Sunday: 1230 hours to 2230 hours

##### Off sales:

Monday to Saturday. 1200 hours to 2200 hours  
Sunday: 1230 hours to 2200 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- (1) Include No. 10 the cottage within licence footprint of existing premises licence.
- (2) Include outdoor drinking area open until 22.00 hrs.
- (3) Inclusion of terrace drinking area.
- (4) Amend on sales hours 1100 hours to 0100 hours Monday-Saturday and

- 1100 hours to 2400 hours on Sunday.  
(5) Amend off sales opening on Sunday to 1200 hours.  
(6) Include films as an activity.

#### **4.0 Background**

- 4.1 On 5 June 2024 the Licensing Board received an application for a major variation of a premises licence from Milton Hotels Limited.
- 4.2 The application was publicised during the period 24 June until 15 July 2024 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:

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

Best Western Palace Hotel & Spa is a detached city centre hotel situated on the West Bank of the River Ness. The hotel is a 19<sup>th</sup> century B listed building.

(i) Application has been made to update the premises licence by way of application for a major variation whereby the premises currently enjoys the following operating hours for on sales:

- Monday to Wednesday: 1100 hrs until 2300 hrs
- Thursday & Friday: 1100 hrs until 0100 hrs
- Saturday: 1100 hrs until 2345 hrs
- Sunday: 1230 hrs until 22.30 hrs

and the amendment seeks to standardise operating hours to;

- Monday to Sunday: 1100 hrs until 0100 hrs

(ii) The premises currently enjoys the following operating hours for off sales:

- Monday to Saturday: 1200 hrs until 2200 hrs
- Sunday: 1230 hrs until 2200 hrs

and the amendment seeks to standardise operating hours for off sales to

- Monday to Sunday: 1200 hrs until 2200 hrs

Both amendments sought in respect of on and off sales are within the Highland Licensing Board policy.

(iii) Application is made for a new outdoor drinking terrace to be included within the licensed footprint of the hotel. The recently completed outdoor drinking area has capacity for 50 seated guests and is situated in an elevated position at the front of the premises, with unobstructed views onto the River Ness and directly across to Inverness Castle.

(iv) Application is also sought to include two properties owned by Best Western Palace Hotel & Spa i.e. 10 at The Palace and The Cottage to the licensed footprint. 10 at the Palace is a select townhouse style property whilst The Cottage is a modern garden property located at the back of 10 at the Palace. Both properties, whilst separate from the Palace Hotel, are adjacent to the hotel and situated on the opposite side of the hotel car park. The inclusion of these properties within the licensed footprint of the hotel allows for the provision of room service to guests booked into these properties, the same as that provided for guests booked into the main hotel.

(v) In summation, the LSO has visited the venue and is of the opinion that none of the proposed changes to the operating plan affect the licensing objectives adversely. The previously operating history of these premises has been exemplary.

(vi) During the public consultation phase of this application, no objections or representations have been received by the Board.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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 it is recommended that the following additional local conditions be attached:

(m) After 2200 hours alcoholic 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.

(o) The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at

the table and chairs provided in the outside drinking area and not by customers standing in that area.

### 8.3 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. 8.2 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/180

Date: 24 July 2024

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