

## The Highland Licensing Board

Meeting – 8 October 2024

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|-------------|-----------|
| Agenda Item | Item 7.1  |
| Report No   | HLB/95/24 |

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

Victorian Market, Market Arcade, Academy Street, Inverness, IV1 1PG

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

##### Summary

This report relates to an application for the grant of a premises licence in respect of Victorian Market, Market Arcade, Academy Street, Inverness, IV1 1PG

#### 1.0 Description of premises

1.1 The Victorian Market is situated on Academy Street, Inverness and consists of a food hall with, shops and seating area.

#### 2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

##### On sales:

Monday to Sunday: 1000 hours to 2300 hours

The applicant seeks the following **off-sale** hours:

##### Off sales:

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 8 August 2024 the Licensing Board received an application for the grant of a premises licence from The Highland Council.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.3 The application was publicised during the period 26 August until 16 September 2024 and confirmation that the site notice was displayed has been received.

- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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:

[Highland Licensing Board - 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 are: -

1. that the premises are excluded premises;
  2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
  3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
  4. that having regard to;
    - (i) the nature of the activities 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, or
  5. 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 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

- The premises of Victorian Market Food Hall situated in Inverness City Centre comprise an open plan Market Hall creating a central social/seating area. Surrounding the central seating area is a range of independent food traders.
- Application has been made for a grant of premises licence to permit the sale of alcohol as follows:

On Sales - Monday to Sunday: 1000 hours to 2300 hours

Off Sales - Monday to Sunday: 1000 hours to 2200 hours

- The Victorian Market Food Hall was part of a major refurbishment of The Old Victorian Market/Queensgate Arcade undertaken in 2022. The aim was to create a vibrant, central social area where families and groups could pick up their choice of food, sit back and soak up the atmosphere. Surrounding the central seating area is a range of independent businesses showcasing the best of Highland food producers.
- Since opening its doors in 2022 the Victorian Market Food Hall has proved extremely popular and the owners Inverness Common Good Fund have been inspired to apply for an alcohol licence for the purposes of their trade, but also to enrich the experience for locals and visitors to the local area alike. Furthermore, the owners seek to make more use of the area with a view to marketing the premises and offering the potential for conferencing, receptions such as weddings, funerals, birthdays, retirements etc., live performances and dance facilities among a range of other activities. The facilities will be made available for bookings with or without alcohol dependant on the type of event to be hosted, but the operators seek to have the flexibility to sell alcohol if appropriate to do so and requested by those groups.
- The premises are genuinely food led, and therefore, are entitled to open from 1000 hours offering a full menu.
- The application for off sales is sought to allow for the sale of alcohol as part of promoting local produce from pop up stalls for short periods as

deemed appropriate by management.

- The alcohol for consumption on the premises, will be supplied by one or more of the traders who operate from units surrounding the central seating area. At present one outlet has exclusivity for the sale of alcohol but this may change upon renewal of their 5-year lease.
- The LSO has visited the premises and provided advice and guidance in the compilation of the application. The application and operating plan is compliant with HLB policy.
- A full set of Section 50 certificates has accompanied the application together with the required Disabled Access statement.
- The LSO is satisfied that should the HLB wish to grant this application then there will be no threat to the licensing objectives.
- Following the public consultation phase of this application no objections or representations have been made to HLB.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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**

No 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/704  
Date: 18 September 2024  
Author: Marjory Bain