

The Highland Licensing Board

Meeting – 31 March 2015

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| Agenda Item | 8.2 |
| Report No | HLB/025/15 |

Application for the grant of a Premises Licence under the Licensing (Scotland) Act 2005

MV Proud Seahorse (Vessel) Muirtown Wharf, Inverness IV3 5LE

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 MV Proud Seahorse (Vessel) Muirtown Wharf, Inverness IV3 5LE

1.0 Description of Premises

1.1 MV Proud Seahorse is an MCA Coded Small Commercial Vessel Category 2 (12 passengers). It is a passenger cruise vessel operating (live aboard basis 3, 4 and 7 above night cruises) on the Caledonian Canal and approaches to the Hebrides, Orkney and Shetland Isles. Alcohol will only be available to bona fide crew members and invited and/or paying guests on board and the vessel is not otherwise open to general public access.

2.0 Operating Hours

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

On sales:

Monday to Sunday 1100 hour to 0100 hours

3.0 Background

3.1 On 12 February 2015 the Licensing Board received an application for the grant of a Premises Licence from Seabreaks Limited T/A Caledonian Cruises, 10 Broad O'th Lane, Shevington, Wigan, WN6 8EA, per Colin Hetherington.

No Section 50 Certification in terms of Planning,*Building Standards and *Food Hygiene are required as the premises is a cruise vessel.

3.2 The application was publicised during the period 16 February 2015 until 9 March 2015 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 Merkinch 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://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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 grant of the application would be inconsistent with one or more of the licensing objectives;
 3. 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
 4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.
- 4.2 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 vessel in question is suitable for the sale of alcohol having been visited by the LSO. There is no bar counter and sales will be made by passenger request to staff to resource the alcohol from a controlled store.

The hours applied for are conventional hours offered within the current policy of the Highland Licensing Board.

The premises, as a vessel, are absolved from producing lay out plans and Section 50 Certificates.

The operating plan in the opinion of the LSO is in keeping with the licensing objectives.

6.0 HLB Local Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the Schedule of Local Conditions:

- None recommended

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/575

Date: 12 March 2015

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Background Papers: The Licensing (Scotland) Act 2005/Application Form.