

The Highland Licensing Board

Meeting – 31 March 2015

Agenda Item	9.2
Report No	HLB/030/15

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

Black Memorial Hall, The Green, Portree, Isle of Skye, IV51 9BX

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a Premises Licence in respect of the Black Memorial Hall, The Green, Portree, Isle of Skye, IV51 9BX.

1.0 Description of Premises

1.1 The Black Memorial Hall is situated in a central location of Portree town centre. The premises will consist of ground and first floor restaurant with associated toilets and disabled facility, bar servery, kitchen and stores. On the 1st floor there will be a mezzanine area and ladies toilets. At the front of the premises there will be an outdoor drinking area. A takeaway meal service will be offered.

2.0 Operating Hours

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

Monday to Sunday: 1100 hours to 0100 hours

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

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

3.1 On 16 February 2015 the Licensing Board received an application for the provisional grant of a Premises Licence from L-POS Ltd on behalf of Ali & Sons Holding Ltd.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

3.2 The application was publicised during the period 20 February 2015 until 13 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 Community Council.
- 3.5 Further to this publication and consultation process, the following timeous notice of objection has been received and is appended:

GVA for and on behalf of the Royal Bank of Scotland

- 3.6 The applicant and the objector have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and 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:-

- (i) The core hours applied for are within the policy of the Highland Licensing Board.
- (ii) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (iii) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (iv) The layout plan submitted complies with the required specifications.
- (v) There would not appear to be any matter contained within the application that is inconsistent 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

It is not considered necessary to attach any Local Conditions.

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/RSL/1729

Date: 16 March 2015

Author: AHM/cn

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

Appendix: Objection from GVA for and on behalf of the Royal Bank of Scotland



RECEIVED
13 MAR 2015

REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

1. Full Name and Address of person making objection/representation:

GVA (C/O THE ROYAL BANK OF SCOTLAND) QUAYSIDE HOUSE 127 FOUNTAIN BRIDGE GLASGOW G3 7QG	
Telephone Number:	0131 469 6042
Email Address:	[REDACTED]

2. Address of Premises in respect of which objection / representation is made:

BLACK MEMORIAL HALL THE GREEN RODREE ISLE OF SKYE IV51 9BX
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3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
1.	Excluded Premises	THE BANK HAVE CONCERNS REGARDING LIMITED CARPARKING PROVISION AT THE PREMISES WHICH IS LIKELY TO IMPACT UPON PARKING PROVISION AT THEIR BRANCH. FURTHER MORE THEY HAVE CONCERNS AT THE POTENTIAL FOR PUBLIC NUISANCE (CONGESTION) AND/OR DISORDER AROUND THE ENTRANCE TO THEIR BUILDING AND ATM FACILITY WHICH IS IN CONSTANT USE.
2.	Off-Sales Hours/24 hour drinking	
3.	Licensing Objectives	
4.	Activities/Premises/Customers	
5.	Over Provision	

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
1.	in support of application	
2.	seeking an amendment to the operating plan, or	
3.	seeking to add additional conditions to the licence	

Signature: Date: 12/03/15