

The Highland Licensing Board

Meeting – 1 November 2017

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| Agenda Item | 7.4 |
| Report No | HLB/124/17 |

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

The Garrison (formerly known as Fort William Police Station), High Street, Fort William, PH33 6EE

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 Garrison, High Street, Fort William, PH33 6EE.

1.0 Description of premises

1.1 The Garrison, formerly the Fort William Police Station, is situated at the west end of Fort William High Street and when the development is completed, the former Police Station will be converted into a hotel with 41 bedrooms.

The ground floor of the premises will comprise a small restaurant/lounge area, reception, kitchen, toilets and thirteen en-suite bedrooms, six of which will be the former “police cells” and which will be a feature of the premises. There will be a further fourteen en-suite bedrooms located on both the first and second floors of the premises. A copy of the layout plan submitted with the application is appended to this report.

It is anticipated that the premises will operate on a residents-only basis.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 0100 hours

3.0 Background

3.1 On 18 September 2017 the Licensing Board received an application for the provisional grant of a premises licence from Fabuloulsy Scottish Hotels Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning. Section 50 Building Standards and Food Hygiene Certificates are not required to support provisional applications.

3.2 The application was publicised during the period 25 September 2017 until 16 October 2017 and confirmation that the site notice has been 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.

Fort William Community Council were not constituted at the time of application.

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

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:-

5.2 Application has been made to the Highland Licensing Board for a provisional premises licence to convert the former police station building into a 41 bedroom hotel with a small bar area.

5.3 From the plans submitted the premises appear suitable for the sale of alcohol as described within the operating plan. The application was accompanied by the necessary section 50 certificate in relation to planning. Hours requested are in line with the current policy statement of the Highland Licensing Board.

5.4 From the operating plan submitted the Licensing Standards Officer is of the opinion that there is no threat to the licensing objectives.

5.5 The relevant site notice has been displayed for 21 days and to date no objections or representations have been received by the Board.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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 conditions from the schedule of local conditions:

- A. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- B. Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- C. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- Q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

7.3 Special conditions

The Board may wish to consider attaching the following special conditions:

On any occasion when the premises are permitted to open after 0100 hours the following conditions shall apply:

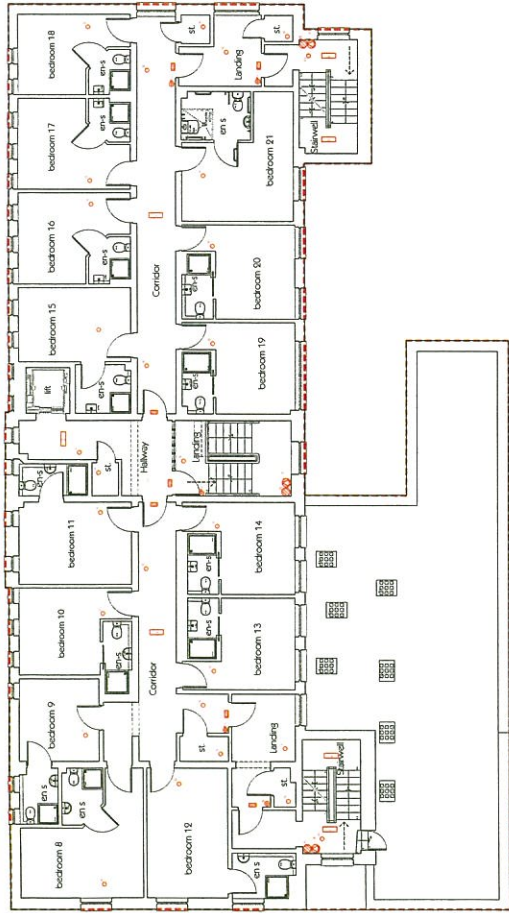
- (1) A person trained to the satisfaction of the licensing board in administering first aid must be present on the premises from 0100 hours (mandatory condition).
- (2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (local condition)(licensing objectives 1 and 2).

Recommendation

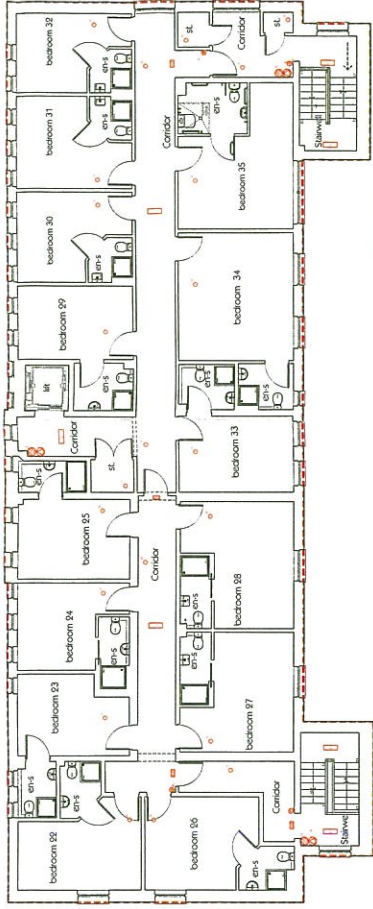
The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras. 7.2 and 7.3 and above.

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/RSL/1843
Date: 19 October 2017
Author: Ian Cox/Julie Traynor
Appendix: Layout plan



FIRST FLOOR PLAN 1:100



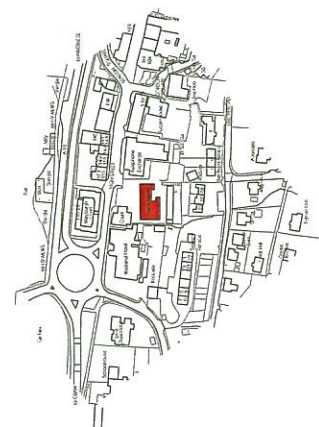
SECOND FLOOR PLAN 1:100

RECEIVE

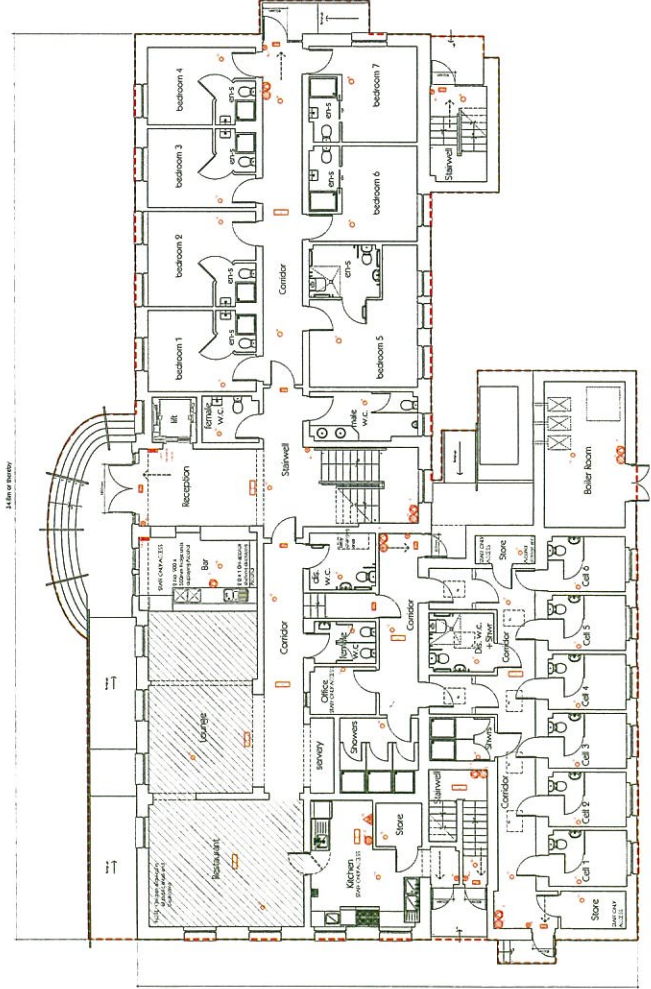
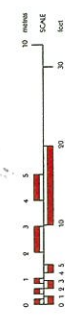
18 SEP 2011

CHIEF ARCHITECT

- Extent of property**
- Extent of Customer Area**
- Children allowed in all public areas and bedrooms**
- Routes to fire escape**



LOCATION PLAN 1:2500



GROUND FLOOR PLAN 1:100

Client
FABRIKOUSKY SCOTTISH HOTELS LTD.

Project
THE GARRISON,
155 HIGH STREET,
FORT WILLIAM,
PH33 6EA

Drawing
FLOOR PLANS

LICENSING DRAWING

Drawn by: CAD Date: AUG 2011
Drawing Scale: A1 @ 1:100
CAD filename:

Beaton + McMurphy
191 rue de la Loi, 10th floor, Montreal, QC H3T 1L4
Tel: 514 392 3300 Fax: 514 392 3300

Drawing No. 15115 LD 01 A