

The Highland Licensing Board

Meeting – 5 December 2017

Agenda Item	9.1
Report No	HLB/133/17

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

Brockies Bar, Kiltarlity, by Beauly, IV4 7HW

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 Brockies Bar, Kiltarlity, by Beauly, IV4 7HW.

1.0 Description of premises

1.1 The Brockies Bar is situated in the village of Kiltarlity and consists of bar premises with beer garden standing within its own grounds.

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 20 October 2017 the Licensing Board received an application for the provisional grant of a premises licence from Marie Goodman.

The application was accompanied by the necessary section 50 certification in terms of Planning.

3.2 The application was publicised during the period 30 October until 20 November 2017 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, 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:-

(i) Brockies Lodge, Kiltarlity is a restaurant/lounge bar with outside drinking area for which a provisional premises licence is being sought. The premises were formerly licensed, but for the past 18 months have been vacant since the last premises licence holder surrendered the premises licence.

(ii) Formerly part of the hotel was a substantial accommodation unit, but this no longer forms part of the premises. The lounge bar/area has been visited by the LSO and the premises are suitable for the sale of alcohol in the manner described in the operating plan. The premises are set in their own substantial grounds, on the outskirts of Kiltarlity.

(iii) The hours applied for are within the policy hours of the Highland Licensing Board. Festive extension allowance has been applied for under seasonal variations, and the applicants accept the condition requiring notification of extended hours being sent to the licensing board and Police (Scotland).

(iv) The necessary section 50 certificate in relation to planning has accompanied the application and the relevant fee has been paid.

(v) The LSO has considered the proposed operating plan and it appears to support the licensing objectives. No condition requiring cessation of use of the outside drinking area at any particular hour has been recommended, as the premises are sufficiently removed from neighbouring property, to allow this to be appropriately managed by the premises licence holder.

(vi) Currently the premises are operating under the authority of occasional licences and there has been no public complaint.

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 condition(s) from the schedule of local conditions:

(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 condition (b) above children must not sit or remain at the bar counter at any time.

(h) Dartboards and any pool table will be situated in a location to be approved by the licensing standards officer.

(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 hours 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 condition(s):

(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 (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/special condition(s) detailed at para(s) 7.2 and 7.3 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/616
Date: 21 November 2017
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