

The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	7.1
Report No	HLB/016/18

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

Spirit of Loch Ness (Cruise Ship), Canal Side, Fort Augustus, PH31 4BD

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 Spirit of Loch Ness (Cruise Ship), Canal Side, Fort Augustus, PH31 4BD.

1.0 Description of premises

1.1 The Spirit of Loch Ness is situated on the canal bank in Fort Augustus and consists of cruise ship with the capacity to carry 218 persons and 4 crew.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 2400 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 9 February 2018 the Licensing Board received an application for the grant of a premises licence from Cruise Loch Ness Limited.

3.2 The application was publicised during the period 14 February until 7 March 2018 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) Application has been made, via an agent acting on behalf of the applicant, Cruise Loch Ness Ltd, for a premises Licence for a cruise vessel, "Spirit of Loch Ness", which has a capacity of 218 persons and four crew.

(ii) The vessel will operate on the Caledonian Canal and Loch Ness and be berthed at Fort Augustus.

(iii) As a vessel the application is excused from supplying section 50 certificates and layout plans.

(vi) As there are comparable vessels operating in a similar way under premises licences issued in the Highland area, the LSO is confident that the proposed operating plan causes no issue in respect of the licensing objectives.

(v) The vessel appears suitable for the sale of alcohol as described within the operating plan, the hours applied for are within the current policy of Highland Licensing 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

None 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/618
Date: 12 March 2018
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