

The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	8.1
Report No	HLB/020/18

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

Caledonian Canal Centre, Canalside, Fort Augustus, PH31 4BA

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 Caledonian Canal Centre, Canalside, Fort Augustus, PH32 4BA.

1.0 Description of premises

1.1 The Caledonian Canal Centre is situated on the bank of the Caledonian Canal in Fort Augustus and consists of a visitor centre with retail and café with an outside licensed area.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hours to 2200 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 provisional grant of a premises licence from British Waterways Board trading as Scottish Canals.

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

- 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 for these premises which are situated within the centre of Fort Augustus next to the Caledonian Canal.

(ii) The premises comprise a retail shop which will have a display of alcohol for "off sales", and a café area where customers are able to purchase alcohol to sit at tables. A full menu is offered within the café and provision of alcohol is very much an understated ancillary service.

(iii) From the layout plans provided the premises appear suitable for the sale of alcohol as described within the operating plan.

(vi) The times that sales of alcohol will be made are within the current policy of Highland Licensing Board policy. The applicant has requested "early opening" for on sales within the café area. This is allowed for by the Board's policy for food-led operations, which these premises undoubtedly are. The applicant's agent, in discussion with the LSO, is very much accepting of a specific local licensing condition requiring all alcohol sales on the premises prior to 1100 hours to be made solely as an accompaniment to food. The overall hours requested are well within the 14 hour daily threshold referred to within the legislation and Board policy.

(v) The alcohol display capacity for the shop area is well within the current threshold set by the Board for consideration of over provision. Competent lay out plans have accompanied the application.

(vi) The necessary section 50 certificate required for planning has been submitted.

(vii) Following the public consultation phase of this application no objections or representations have been received.

(viii) The LSO is of the opinion that should the Board be minded to grant this application then no adverse effect will transpire in respect of the licensing objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

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

F(2) Alcohol may be sold on the premises prior to 1100 hours only to persons taking table meals.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para. 7.2 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/INBS/617
Date: 12 March 2018
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