

## The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	5.4
Report No	HLB/19/20

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

Glenfinnan Monument and Visitor's Centre, Glenfinnan, PH37 4LT

#### 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 Glenfinnan Monument and Visitor's Centre, Glenfinnan, PH37 4LT.

#### 1.0 Description of premises

1.1 The National Trust for Scotland's Glenfinnan Monument and Visitor Centre is situated beside the village of Glenfinnan on the A830 at the head of Loch Shiel, approximately 18 miles from Fort William.

The visitor centre is free to visit and has an exhibition area which tells the story of Prince Charles Edward Stuart and the 1745 Jacobite Rising.

The visitor centre also has a café offering a selection of hot and cold food and beverages, including a small selection of alcohol for consumption on the premises or in the small outdoor seating area.

Additionally, there is a gift shop which sells a range of local goods and a small amount of alcohol such as craft beers and whisky.

#### 2.0 Operating hours

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

##### On sales:

Monday to Sunday: 1100 hours to 0100 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 10 February 2020 the Licensing Board received an application for the grant of a premises licence from The National Trust for Scotland Enterprises Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.2 The application was publicised during the period 14 February 2020 until 6 March 2020 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. At the date of application, there was currently no community council constituted for the Glenfinnan area.

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](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) An application has been received by the Highland Licensing Board from agents acting on behalf of the applicants. The National Trust already operate licensed premises in the Board's area along similar models of operation as that proposed within this operating plan. Their track record of operation has been exemplary and diligence checks carried out have shown good levels of compliance with the requirements of the Licensing (Scotland) Act 2005.
- (ii) The premises at Glenfinnan are a long established visitor centre and have been visited by the LSO. The premises are certainly suitable for the sale of alcohol as described within the operating plan. The full complement of Section 50 certificates relating to planning, building standards and food hygiene have been submitted with the application. A disabled access statement has also been submitted.
- (iii) Hours requested for both on and off sales are in line with current Board policy and the requirements of the Licensing (Scotland) Act 2005.

- (iv) The sale of alcohol is very much an ancillary facility offered to the tourist. A small selection is offered in the restaurant/café, and a small selection of alcohol is offered in the visitor shop comprising of high end artisan products. The display is small and compact and well within the Board's current threshold of 40 square metres for the consideration of over provision.
- (v) The LSO has reviewed the operating plan submitted and finds that it accords well with the licensing objectives. For on sales a terminal hour of 0100 hours is requested, which will rarely be used but allows the flexibility of hosting specific one off functions within the premises.
- (vi) Following the public consultation phase of this application, no objections or observations 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 2018-23
- (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**

No local conditions are 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/RSL/1937  
Date: 17 March 2020  
Author: IC/JT