

The Highland Licensing Board

Meeting – 8 September 2020

Agenda Item	8.2
Report No	HLB/061/20

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

Highland Soap Company, Old Inverlochy Farm, North Road, Fort William, PH33 6TQ

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 Highland Soap Company, Old Inverlochy Farm, North Road, Fort William, PH33 6TQ.

1.0 Description of premises

1.1 The premises will comprise of a purpose built 110 seater café, shop and visitor centre with plentiful parking provision. Alcohol will be sold by way of on-sales as well as a small selection of artisan spirits and ales for sale by off-sales.

The premises are bordered by extensive, well-maintained lawns which on occasion maybe used to accommodate marquee structures to host events.

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 14 July 2020 the Licensing Board received an application for the provisional grant of a premises licence from The Highland Soap Company Limited, Registered Office : Spean Bridge, PH34 4EP.

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

- 3.2 The application was publicised during the period 27 July 2020 until 17 August 2020 and confirmation that the site notice was displayed is awaited.
- 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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 Licensing Standards Officer has provided the following comments:-

- The premises concerned are a detached development in a substantial open area at Inverlochy, Fort William. The proposed premises which are currently in the stage of construction comprise a purpose built 110 seater café, shop and visitor centre with plentiful parking provision. Alcohol will be sold by way of on-sales as well as a small selection of artisan spirits and ales for sale by off-sales.
- The off sales display area is under the threshold set by HLB for the consideration of over-provision.
- Also on the site and included within the licensed footprint is a large grassed area which, on occasion, will be used to host a marquee structure for one off events such as weddings or other celebrations. The premises do not border nearby residential property so such activity is unlikely to cause public nuisance issues through noise.
- From the drawings submitted and through interview with the applicant the Licensing Standards Officer is satisfied that the premises are suitable for the sale of alcohol as described within the operating plan. The hours applied for are within the policy hours of HLB.
- The application has been furnished with a Section 50 certificate in relation to Planning and a Disabled Access Statement. Lay out plans of acceptable quality have been submitted.
- Following the public consultation phase of the application no objections or representations have been submitted to the Board.

- The Licensing Standards Officer is of the opinion that the operating plan meets the criteria of the 5 licensing objectives.

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

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:

- k. 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:

- (1) On any occasion that these premises are permitted to be open later than 0100hrs a personal licence holder shall be on duty at the premises until all patrons have left the premises.
- (2) On any occasion that these premises are permitted to be open later than 0100hrs a qualified first aider shall be on duty at the premises until all patrons have left the Premises.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 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/RSL/1950
Date: 21 August 2020
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