

## The Highland Licensing Board

Meeting – 16 February 2021

Agenda Item	8.1
Report No	HLB/016/20

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

The Arch Inn, 10-11 West Shore Street, Ullapool

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Robert Hicks and Michael Beasley in respect of The Arch Inn, 10-11 West Shore Street, Ullapool.

#### 1.0 Description of premises

1.1 The premises are a hotel with restaurant and public bar in the centre of Ullapool. The premises were granted a premises licence on conversion on 1 September 2009.

#### 2.0 Current operating hours

2.1 The premises currently have the following operating hours:

##### On sales:

Monday to Saturday: 1100 hrs to 0100 hrs the following day  
Sunday: 1200 hrs to 0100 hrs the following day

#### 3.0 Summary of variation application

##### 3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

- 1) amend on sales hours to commence at 0900 hrs daily;
- 2) add off sales with hours of 1000 hrs to 2200 hrs daily;
- 3) amend the layout plan to show the location of the off sales display area;
- 4) add seasonal variation;
- 5) to activities/entertainment provided add conference facilities during and outwith core hours, restaurant facilities, bar meals and outdoor drinking outwith core hours, and dance facilities during core hours.

## **4.0 Background**

- 4.1 On 15 December 2020 the Licensing Board received an application for a major variation of premises licence from Robert Hicks and Michael Beasley.
- 4.2 The application was publicised during the period 5 to 26 January 2021 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, a representation dated 16 December 2020 was received from Police Scotland and is attached as an appendix to this report.
- 4.6 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 attend a virtual hearing and/or submit a written representation to state their case.

## **5.0 Legislation**

- 5.1 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.
- 5.2 Relevant grounds of refusal may be: -
  1. the grant of the application will be inconsistent with one or more of the licensing objectives;
  2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;
  3. 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.

5.3 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.

5.4 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.5 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

- a) The Arch Inn is an established Licensed Premises, on the shore front opposite the ferry terminal in the village of Ullapool, Wester Ross.
- b) The variation application is in part to allow for the increase of Licensing hours to extend the hours to 0900 hrs until 0100 hrs seven days a week, this is to allow for the provision of alcohol along with breakfast. This increase although outwith Highland Board Policy is considered justified in that it is restricted to the supply of alcohol as an accompaniment to food. The customer base for this provision would be primarily ferry passengers, pier workers and fishermen on shift work, and the vibrant tourist trade. The application also seeks the addition of Off Sales to allow for the sale of alcohol predominantly that of the sister business, Highland Liquor Company.
- c) The full description and detail of the variation is included in the application.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- f) The layout plan submitted complies with the required specifications.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) The opportunity has been taken during this variation to update and bring in line with current Highland Licensing Board Policy the local conditions for this premises as shown below.
- i) A representation has been received from Police Scotland which has been addressed at Local Condition F below.
- j) During the period of public consultation, no objections were received.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **8.2 Local conditions**

- a. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hrs except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- 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 conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- f. Alcohol may be sold on the premises prior to 1100 hrs only to persons taking table meals.
- m. After 2300 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area
- x. Dartboards and any pool table will be situated in a location of the premises approved by the Licensing Standards Officer.

**Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para 8.2.

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/CSR/0715  
Date: 26 January 2021  
Author: G Sutherland

Appendix: Letter dated 16 December 2020 from Police Scotland

16/12/2020

Your Ref: HC/CSR/0715

Our Ref: 535817

Clerk to the Highland Board  
Town House  
High Street  
Inverness  
IV1 1JJ



Divisional Co-ordination Unit  
Highland and Islands Division  
Police HQ  
Old Perth Road  
INVERNESS  
IV2 3SY

FOR THE ATTENTION OF CLAIRE MCARTHUR

Dear Madam,

**LICENSING (SCOTLAND) ACT 2005  
APPLICATION FOR THE VARIATION OF A PREMISES LICENCE  
THE ARCH INN, 11 WEST SHORE STREET, ULLAPOOL, IV26 2UR  
ROBERT HICKS & MICHAEL BEASLEY  
POLICE REPRESENTATION**

I refer to the above application for the variation of a premises licence under terms of Section 29(5) of the Licensing (Scotland) Act 2005.

The variation requested consists of amending on sale hours to commence at 0900 hours daily, the addition of off sales from 1000 to 2200 hours daily, an amendment to the layout plan to highlight the off sale display area, the addition of seasonal variations, to activities/entertainment provided add conference facilities during and outwith core hours, restaurant facilities, bar meals and outdoor drinking outwith core hours, and dance facilities.

In terms of Section 29(5) of the Licensing (Scotland) Act this request can be considered a variation.

In terms of Section 22(1)(b)(ii) and (iii) of the same Act 2005, I make the following representation:

The applicant is seeking to provide an 'on sales' facility between 0900 and 0100 hours daily. This is in excess of current Board policy which permit 14 hours continuous trading. However, should the applicant provide an undertaking that alcohol will only be provided as ancillary to food between 0900 and 1100 hours, Police Scotland have no objection to this application.

**OFFICIAL**

This representation is submitted for your attention in considering this application.

Yours faithfully,



Chief Superintendent Conrad Trickett  
Divisional Commander

For enquiries please contact the Licensing Department on 01463 720817