

The Highland Licensing Board

Meeting – 11 May 2021

Agenda Item	8.5
Report No	HLB/037/21

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

Maryburgh Inn, 36 High Street, Fort William, PH33 6AT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Hawthorn Leisure Scotco Limited, Pinewood Court, Coleshill, Marston Green, Birmingham, B37 7HG.

1.0 Description of premises

1.1 The Maryburgh Inn is situated in the basement of a terraced 5 storey building located in the town centre of Fort William High Street. Offices and flats are located on the upper floors.

3.0 Summary of variation application

3.1 Variation sought

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

- (1) At Q.5 of Operating Plan add the following activities:- (1) Restaurant Facilities and (2) Bar Meals (within and outwith core licensed hours);
- (2) Q.5(f):- include that the premises may offer the provision of takeaway meals supplied with or without off-sales;
- (3) Update description of premises to include as follows: "Public House sells alcohol both on and off the premises, cold beverages, bar snacks and food";
- (4) Revise layout plan to show pizza oven, double sink and w/h basin.

4.0 Background

4.1 On 19 March 2021 the Licensing Board received an application for a major variation of a premises licence from Hawthorn Leisure Scotco Ltd per Agents, TLT Solicitors.

4.2 The application was publicised during the period 26 March 2021 until 16 April 2021 and confirmation that the site notice was displayed has been received.

- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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, no objections have been received from members of the public or from the Planning, Police or Fire Authorities. A response from Building Standards is still awaited. The Clerk will provide a verbal update in this regard.

A timeous representation however has been received from Environmental Health concerning the applicant's proposal to put a large pizza oven behind the bar which the officer considers to be a poorly ventilated basement bar. The Officer has also commented on the very limited catering equipment available within the premises to offer bar food and takeaway meals.

Details of the representation have been forwarded to the applicant's agent and a response is awaited. The Clerk will provide a verbal update.

- 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, both the applicant/applicant's agent and a representative from Environmental Health have been invited to 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.

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.

5.2 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.

5.3 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.

5.4 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:-

The Maryburgh Inn, High Street, Fort William has held an alcohol premises licence since the commencement of the Licensing (Scotland) Act 2005. The operating history is satisfactory. Compliance visits carried out by LSO's have revealed that the premises are well run according to the legislative requirements.

The premises are members of the local Pub Watch scheme.

Previously the premises operated very much as a traditional public house, without food provision. Application is now made to broaden the range of services available to customers by allowing food provision to be listed within the activities at Section 5 of the Operating Plan. Both restaurant and bar snacks maybe offered within and outwith licensed hours. Takeaway meals are also to be offered.

The lay out plans of the premises have also been altered to include a Pizza oven and kitchen facilities. Amended plans have been submitted.

The LSO is content that the amended Operating Plan complies with the 5 Licensing Objectives.

During the consultation phase of this application concerns surrounding the catering equipment have been voiced by Environmental Health, who will address the Board on these matters if required.

No additional Licensing Conditions are proposed.

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

There are no existing local conditions and it is not considered necessary to attach any.

8.3 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/1395
Date: 29 April 2021
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