

The Highland Licensing Board

Meeting – 20 June 2022

Agenda Item	10.1
Report No	HLB/049/22

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

Lord of the Highlands (A Ship), Muirtown Basin, Caledonian Canal, Inverness, IV3 5LE

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 Lord of the Highlands (A Ship), Muirtown Basin, Caledonian Canal, Inverness, IV3 5LE.

1.0 Description of premises

1.1 The Lord of Highlands (A Ship) is situated at Muirtown Basin, Caledonian Canal, Inverness and consists of a four decked metal constructed cruise ship with 30 passenger cabins.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hours to 0030 hours

3.0 Background

3.1 On 14 March 2022 the Licensing Board received an application for the grant of a premises licence from Hebridean Island Cruises Ltd.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 28 March until 18 April 2022 and confirmation that the site notice was displayed has been received.

3.3 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.

- 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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) The premises in this application comprise a four decked metal constructed cruise ship (737 gross tons). The area of operation is along the Caledonian Canal and the west coast of Scotland visiting islands as far south as Islay and north as far as Lewis and Harris. There are 30 cabins accommodating a maximum of 40 passengers and 18 crew.

(ii) The vessel has full restaurant and bar services for customers. The premises are a sister vessel to a similar sized vessel, Lord of the Glens which has held a premises licence since 2011 and has an incident free record of operation.

(iii) The LSO is satisfied that the operating plan is in keeping with the 5 licensing objectives. No section 50 certificates are required as the premises are a vessel.

(iv) Licensed on sales hours are requested to commence from 10.00 hrs. The vessel is able to offer a full meal schedule in order to comply with Board policy. A terminal hour of 00.30 hrs is requested and whilst this exceeds the 14 hour day normally applied by the Board. The unique operation of what is in effect a floating hotel, does not threaten any licensing objective in the opinion of the LSO.

(v) During the public consultation phase of this application, no objections or representations have been received by the Highland Licensing 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

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:

(e) Premises opening for the sale of alcohol for consumption on the premises prior to 11.00 hrs shall have available a selection of hot and cold food and shall advertise this within the premises.

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 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/668

Date: 1 June 2022

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