

**The Highland Licensing Board**

**Meeting – 25 February 2025**

Agenda Item	10.1
Report No	HLB/13/25

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

**Sonas, 147 High Street, Fort William, PH33 6EA**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Zakariya Holdings Limited, 141 High Street, Fort William, PH33 6EA.

**1.0 Description of premises**

1.1 The premises is a small, popular restaurant which is situated within a terraced building at the west end of Fort William High Street.

**2.0 Summary of variation application**

**2.1 Variation sought**

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

1. Change sale of alcohol from on sales only to both on and off-sales.
2. Update on-sales operating hours to 1100 hours to 0000 hours daily (previously 1000 hours to 2300 hours).
3. Add off-sale hours – 1100 hours to 2200 hours daily.
4. Add seasonal variation to allow premises to take advantage of the Licensing Board's Festive Policy and other occasions as determined by the Board.
5. Update operating plan to include – 'Live Performances' within core hours only to allow for local musicians to play to diners eg, harpist, pianist.
6. Activities outwith core hours – update as follows: The premises may open for the supply of breakfasts prior to core opening hours during which time the other activities listed as outwith core hours shall be made available subject to customer request.
7. The premises may on occasion offer take-away meals.
8. Update children and young persons policy to reflect the current operation of the premises.
9. Revise description of premises to reflect current operation and remove reference to the sale of alcohol being ancillary to persons consuming a meal on the premises.

### **3.0 Background**

- 3.1 On 17 January 2025 the Licensing Board received an application for a major variation of a premises licence from Zakariya Holdings Limited.
- 3.2 The application was publicised during the period 20 January 2025 until 10 February 2025 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 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:

[www.highland.gov.uk/hlb\\_hearings](http://www.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 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.
- 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 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.
- 4.4 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.

## **5.0 Licensing Standards Officer**

- 5.1 The LSO has provided the following comments:-

Application is sought for a major variation to amend and update various aspects of the current licence to reflect the proposed trading activities of the premises moving forward. The premises currently trade as a restaurant with the licensed area comprising of a split level restaurant. Located on the lower level of the restaurant is a bar counter/servery. A ramped access leads to an upper level seating area. The premises does not operate a bar counter and drinks are served by way of table service only. The premises currently operate with on sales capacity only and are seeking to apply for the following amendments: -

- (i) change of sale of alcohol from on sales only to incorporate both on and off sales covering the following hours: -  
  
On sales – Monday to Sunday - 1100 hours to 0000 hours  
  
Off sales – Monday to Sunday - 1100 hours to 2200 hours;
- (ii) application is sought at Q4 to add a seasonal variation to allow the premises to take advantage of the Licensing Board's Festive Hours Policy and other occasions, as determined by the Highland Licensing Board;
- (iii) application is sought at Q5 and Q5(f) to amend and broaden the range of activities permitted within the operating plan and amend wording to reflect current trading position to include 'Live Performances' which would allow the operators to showcase local musicians who would play for diners eg. harpist playing background music and a further addition to add that the premises may on occasion offer takeaway meals etc;
- (iv) application is sought at Q6(b) to amend and update the Children and Young Persons policy to reflect the current operation of the premises;
- (v) application is sought to remove the condition of licence that restricts alcohol being sold as 'ancillary to persons consuming a meal', thus allowing the operators to make better use of the premises during quieter

periods or when a table becomes vacant. Customers would still only be able to order and consume drinks by way of table service only;

- (vi) the LSO has visited the premises and is of the opinion that none of the proposed changes to the operating plan affect the licensing objectives adversely. The previous operating history of these premises has been very satisfactory;
- (vii) following the public consultation phase of this application no objections or representations 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 2023-28
- (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**

There are currently no existing local conditions attached to the premises licence. The following local conditions are now recommended given the seasonal variation request to allow the premises to take advantage of the Licensing Board's Festive Hours Policy:

- (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 Late Opening Conditions:**

The following late opening conditions are now recommended given the seasonal variation request:

- (1) First Aid must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
  - (a) the time at which the premises next close; and

(b) 0500 hours

(2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-

(a) the time at which the premises next close; and

(b) 0500 hours or such other time as the Licensing Board may specify.

#### 7.4 **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/late opening 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/1907  
Date: 11 February 2025  
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