

The Highland Licensing Board

Meeting – 14 May 2013

Agenda Item	8.5
Report No	HLB/052/13

Application for the provisional grant of a Premises Licence under the Licensing (Scotland) Act 2005

Corran Inn, Onich, Fort William, PH33 6SE

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a provisional Premises Licence for Corran Inn, Onich, Fort William, PH33 6SE.

1.0 Description of Premises

The Corran Inn is a two storey hotel set within a rural residential area overlooking the Corran Ferry.

The Premises will comprise of a restaurant, lounge bar and two bedrooms on the ground floor and five living areas and one bedroom on the upper floor.

2.0 Background

2.1 On 4 March 2013 the Licensing Board received an application for the provisional grant of a premises licence from Mr John Man, together with a Section 50 Certificate in terms of Planning.

2.2 The application was publicised during the period 18 March 2013 until 8 April 2013 and confirmation that the site notice has been displayed has been received.

2.3 In accordance with standard procedure, Northern Constabulary, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and to the local Community Council.

2.4 The following representations have been received:

- The Planning Authority have indicated that an additional planning application has been lodged but has not yet been determined;
- Building Standards have advised that no Building Warrant application has been received.

In response to the comments detailed overleaf, the Applicant's Agent has advised as follows:

- that the necessary Section 50 Planning Certificate confirming the use of the premises has been obtained and is correct and will not be changing. The planning application referred to by the Planning Authority relates to the proposed new layout.
- A Building Warrant application will be applied for once the Provisional Premises Licence application has been determined by the Board.

3.0 Legislation

3.1 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 premises are excluded premises;
2. the grant of the application will be inconsistent with one or more of the licensing objectives; 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

3.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

3.0 Summary of Application

The applicants seek the following **on-sale** hours:-

Monday to Thursday:	1100 hours to 2400 hours
Friday to Saturday:	1100 hours to 0100 hours
Sunday:	1200 hours to 2400 hours

The applicants seek the following **off-sale** hours:-

Monday to Saturday:	1100 hours to 2200 hours
Sunday:	1200 hours to 2200 hours

4.0 Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board Equality Strategy
- (iv) Schedule of Local Conditions

5.0 Licensing Standards Officer's Comments

- The core hours applied for are within the policy hours of the Highland Licensing Board;
- the applicant's Children's Policy is within the policy of the Highland Licensing Board;
- the layout plan submitted complies with the required specifications;
- there would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

6.0 Conditions

6.1 Mandatory Conditions

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

6.2 Local Conditions

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the Schedule of Local Conditions:-

- A. Children under the age of 16 are excluded from any room where there is a bar counter after 10.00 pm 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 when not in the bar area's.
- C. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- J. Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.

Recommendation

The Board is invited to determine the above application and the proposed local conditions detailed at para. 6.2 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1656:AHM/JT

Date: 30 April 2013

Background Papers: The Licensing (Scotland) Act 2005 /Application Form