

The Highland Licensing Board

Meeting – 11 June 2013

Agenda Item	7.1
Report No	HLB/071/13

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

Report by the Clerk of the Licensing Board

Summary

Ref: HC/INBS/549

This Report relates to an application for the grant of a Premises Licence for:

Premises: The Highlanders' Museum, Fort George, Ardersier IV2 67TD

Applicant: The Highlanders' Museum Limited

1 Background

- 1.1 This is an application for a premises licence in respect of a three-storey listed building within the confines of Fort George, an Ancient Monument and as such, has a 'Visitor Centre' status. Alcohol will be sold within a shop selling a small range of alcohol merchandise for off site consumption.
- 1.2 On the 1 May 2013 the Licensing Board received an application for the grant of a Premises Licence from The Highlanders' Museum Ltd, Fort George, Ardersier.
The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene, and the statutory fee.
- 1.3 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (13 May to 3 June 2013). Confirmation of display of the site has been received.
- 1.4 In accordance with the standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application. Notification and a copy of the application has been sent to NHS Highland and the local Community Council.

2. Legislation

- 2.1 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 ground of refusal may be –

1. The premises are excluded premises;

2. The premises are excluded premises;
3. 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.
4. Having regard to the number and capacity of licenced 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.

2.2 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.

3. Summary of Application

Off Sales

Monday to Saturday - 10.00 to 17.30

Sundays - 12.30 to 17.30

4. Policies

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board Equality Strategy

Schedule of Local Conditions

5 Licensing Standards Officer's Comments:

The Highlanders' Museum is housed within a stand-alone three storey building inside Fort George, Ardersier.

It is primarily a museum with associated exhibits and information. There is a small shop on the ground floor and within this is a small display of alcohol for purchase by visitors such as miniatures and other bottlings as keepsakes and gifts. At a capacity of 0.35metres square it is very much an ancillary part of the business.

The Premises have been licensed at the Category 1 fee applicable to Visitor attractions and the LSO is satisfied that this is fully justified.

The Premises are suitable for the sale of alcohol; the necessary Section 50 certificates and layout plans have been submitted and the Premises will operate under a duly licensed Personal Licence Holder who will fulfil the role of Premises Manager.

6 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

None recommended.

6.3 Specific Conditions

None recommended.

7 Recommendation

The Board is invited to determine the above application. .

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.549

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Date: 01/05/2013.

Background Papers: The Licensing (Scotland) Act 2005