

The Highland Licensing Board

Meeting – Tuesday 6 August 2013

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| Agenda Item | 10.14 |
| Report No | HLB/101/13 |

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

Cobb's Lounge Bar at Nevisport, Airds Crossing, Fort William, PH33 6EU

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence in respect of Cobb's Lounge Bar at Nevisport, Airds Crossing, Fort William, PH33 6EU.

1.0 Description of Premises

The Cobb's Lounge Bar at Nevisport is located on the ground floor of the detached Nevisport building situated at the east end of the town centre of Fort William. The premises consist of a lounge bar and toilets on the ground floor with a mezzanine area above.

1.1 Current Core Operating Hours

The premises currently enjoy the following operating hours:

On-Sale:

Monday to Wednesday: 1100 hours to 2400 hours
Thursday to Saturday: 1100 hours to 0100 hours
Sunday: 1230 hours to 2345 hours

2.0 Summary of Variation Application

2.1 Variation Sought

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

- (i) Increase on-sale operating hours as follows:
 - Sunday: 1200 hours to 2400 hours
- (ii) Include off-sale operating hours as follows:
 - Monday to Sunday: 1000 hours to 2200 hours

(iii) Extend the footprint of premises to include as follows:

- Restaurant/Café known as Cobb's Café, situated on the upper floor of the main Nevisport building;
- Outdoor drinking area located at the entrance to the Cobb's Lounge Bar;
- Outdoor drinking area located on the Roof Terrace which is accessible from both the Lounge Bar Mezzanine and the Café/Restaurant.

(iv) Revise Operating Plan as follows:-

- Include Restaurant Facilities prior to core hours to allow breakfasts to be consumed;
- Include Outdoor Drinking Areas within Operating Plan.

(v) Update Children's Policy to include Restaurant/Café Area.

(vi) Increase capacity from 120 persons to 200 persons as a result of the addition of the Restaurant/Café area;

(vii) Update description of premises to reflect inclusion of Restaurant/Café area (Cobb's Café) and outdoor drinking areas.

3.0 Background

3.1 On 24 June 2013 the Licensing Board received an application for a major variation of a Premises Licence from the Loch Ness Coffee Company Ltd.

3.2 The application was publicised during the period 1 July until 22 July 2013 and confirmation that the site notice was displayed has been received.

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

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

3.4 No objections or representations have been received in respect of the application.

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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

4.2 The Board has only power to either grant the application and make a variation of the conditions to which the licence is subject or, refuse the application.

If the Board refuses 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.

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- the increase in core hours applied for is within the policy hours of the Highland Licensing Board;
- the Children's Policy has been updated to include access to the Restaurant/Café area and is in line with Board Policy;
- the layout plan submitted complies with the required specifications;
- the premises are considered suitable for use for the sale of alcohol in accordance with the proposed variation;
- there would not appear to be any matter contained within the application that is inconsistent with the licensing objectives;
- the Restaurant/Café area previously held a Restaurant Licence prior to transition.

6.0 HLB Local Policies

The following policies are relevant to the application:-

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

It is recommended that the following local condition(s) be attached:

Local Condition E:

Any alcohol for consumption in the outdoor drinking area will be sold only in the licensed premises.

Local Condition G:

After 2200 hours (or other such time as may be specified by the Licensing Board) alcoholic or non-alcoholic drinks shall not be consumed in the outdoor drinking areas.

7.3 Specific Condition(s)

The Board may also wish to consider attaching the following specific condition:

- The licence holder shall ensure that all outdoor tables are regularly cleared of all used glassware and crockery.

Recommendation

The Board is invited to determine the above application and give consideration to:

- (i) Updating the existing Local Conditions as referred to at para. 7.2 of the report;
 - (ii) If the Board are minded to grant the application as outlined at para. 2.1, in addition to the Mandatory and Local Conditions, consideration be given to attaching the proposed Specific Local Condition, referred to at para. 7.3 of the report;
- or
- (iii) If the Board are 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.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1062

Date: 23 July 2013

Author: AHM/JT

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