

The Highland Licensing Board

Meeting – 4 February 2014

Agenda Item	10.2
Report No	HLB/013/14

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

Report by Clerk of the Licensing Board

Summary

Ref: HC/INBS/561

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

Premises: Stravaigers Lodge, and Cumberlands Campsite, Glendoe Road, Fort Augustus, PH32 4BG

Applicant: Reay Mackay, Westwood, Fort Augustus PH32 4BG

1.0 Background

1.1 The application is for the provisional grant of a premises licence for a Clubhouse/Lounge Bar/ Restaurant offering On and Off Sales, with an outside drinking area.

1.2 On 16 December 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant, Mr Reay Mackay, Westwood, Fort Augustus PH32 4BG.

The application was accompanied by the necessary Section 50 Certification in terms of Planning 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 (23 December to 13 January 2014). Confirmation of display of the site notice has been received.

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

Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.

Notice of the application has been sent to and all the people listed under S21(1) of the Act

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

2.0 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 grant of the application will be inconsistent with one or more of the licensing objectives;
 3. 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, 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

On Sales: Monday to Sunday 11.00 hrs to 01.00 hrs,
Off Sales: Monday to Sunday 10.00 hrs to 22.00 hrs

4. Policies

The following policies are relevant to the application:
Highland Licensing Board Policy Hours
Highland Licensing Board Policy Statement
The Highland Licensing Board combined Equality Scheme
Schedule of Local Conditions

5 Licensing Standards Officer's Comments:

- i) The core hours applied for are within the policy hours of the Highland Licensing Board.
- ii) The activities sought would appear to be reasonable and appropriate for the proposed operation.
- iii) The children's policy is considered suitable for the proposed operation of the premises and is within the policy of the Highland Licensing Board.
- iv) The layout plan submitted complies with the required specifications.

- v) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives and the premises would appear to be suitable for use for the sale of alcohol in accordance with the proposed application.

5.1 Local Conditions

- a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours 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.
- c) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.
- h) Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer.

6.0 Mandatory Conditions

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

<h2>7 Recommendation</h2>

<p>The Board is invited to determine the above application</p>
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Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS/561

Author: Wendy Grosvenor

Date: 16/12/2013.

Background Papers: The Licensing (Scotland) Act 2005 .