

The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	9.3
Report No	HLB/038/14

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

The Western Isles, Mallaig Harbour, Mallaig, PH41 4QB

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a Premises Licence for the vessel, The Western Isles, Mallaig Harbour, Mallaig, PH41 4QB.

1.0 Background

1.1 The Western Isles is an 81 passenger cruise boat based at Mallaig Harbour and sails daily to Inverie and Tarbet during the summer period. Occasional trips take place to Eilean Donan Castle and the Small Isles.

1.2 On 28 January 2014 the Licensing Board received an application for the grant of a Premises Licence from Western Isles Cruises Ltd.

In terms of Section 126(3)(f) of the above mentioned Act, premises consisting of a vessel are exempt from the requirement to submit Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

In terms of the Licensing (Vessels etc) (Scotland) Regulations 2007, para. 5(a), there is no requirement for a layout plan to be submitted in respect of a vessel which is not permanently moored or berthed.

1.3 The application was publicised during the period 3 to 24 February 2014 and confirmation that the site notice was displayed has been received.

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

Within terms of Section 126(3)(b) of the above mentioned Act, there is no requirement for the Fire Authority to be consulted or for Neighbour Notification.

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

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 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.

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 as modified.

3.0 Summary of Application

The applicant seeks the following **on-sale** hours:-

Monday to Sunday: 1100 hours to 2100 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

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- The hours applied for are within policy and all activities referred to in the operating plan are reasonable and appropriate for this type of operation;
- the Children's Policy is considered suitable and is within the policy of the Highland Licensing Board;
- The premises are considered suitable for use for the sale of alcohol in accordance with the proposed application;
- 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

It is not considered necessary to attach any Local Conditions.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1693

Date: 18 March 2014

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