

The Highland Licensing Board

Meeting – 31 March 2015

Agenda Item	8.4
Report No	HLB/027/15

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

Jacobite Rebel, Cruiseship, Dochgarroch Lock, Dochgarroch IV3 8JG

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the grant of a Premises Licence in respect of Jacobite Rebel, Cruiseship, Dochgarroch Lock, Dochgarroch IV3 8JG

1.0 Description of Premises

1.1 The Jacobite Rebel Cruiseship is generally berthed at and operates from Dochgarroch Lock, Dochgarroch. Cruises include visits to attractions such as Urquhart Castle and the Loch Ness Exhibition Centre in Drumnadrochit. The vessel has a class V Passenger Certificate. Operational Limits: In Loch Linnhe, North of Corran Point Light and including Loch Eil and the Caledonian Canal to Inverness. In the Cromarty Firth within a line between Chanonry Point and Fort George.

2.0 Operating Hours

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

On sales:

Monday to Sunday 0900 hours to 2400 hours.

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

Off sales:

Monday to Sunday 1000 hours to 2200 hours

3.0 Background

3.1 On 17 February 2015 the Licensing Board received an application for the grant of a Premises Licence from the applicant's agent, Lorna Murray, 45 Culduthel Road, Inverness IV2 4HQ.

No Section 50 certificates are required for a Cruise vessel.

- 3.2 The application was publicised during the period 23 February 2015 until 16 March 2015 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) were consulted on the application.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council (Inverness West).
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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 are: -

1. that the premises are excluded premises;
2. that the grant of the application would 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,the Board considers the premises are unsuitable for use for the sale of alcohol, or
4. that 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 overprovision of licensed premises of that description in the locality.

4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

The Jacobite Rebel is a purpose built passenger cruising vessel which will be used to convey passengers on sighting seeing voyages on Loch Ness.

The applicants in this case Jacobite Cruises Limited have successfully run a fleet of vessels on Loch Ness and the Caledonian Canal for a number of years. They are experienced operators and are well versed in the requirements of the Licensing (Scotland) Act, 2005.

At the time of writing the Jacobite Rebel was undergoing alteration works. A similar vessel which is currently licensed namely the Jacobite Warrior was seen and inspected by the LSO and the vessel would seem fit for the sale of alcohol.

It is noted from the application that the commencement of core hours is out-with current Board policy hours; it does not fit the criteria for early hours opening usually applied for by food led premises. However it must be pointed out that a sister vessel the Jacobite Queen operates these same hours having had her premises licence granted under previous Board policy. This was to provide the opportunity to service the requirements of foreign visitors whose approach to alcohol was different to our own. There has never been an adverse issue caused by such early hours' operation.

The premises as a vessel is excused the Section 50 Certificate requirement and also the requirement to submit layout plans.

The operating plan meets the Licensing Objectives in the opinion of the LSO.

6.0 HLB Local Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) 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

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:

- None recommended.

7.3 Special Conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

If the Board is 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.

Reference: HC//INBS/577

Date: 18 March 2015

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