

The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	10.2
Report No	HLB/050/15

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

Ferryboat, 26 Shore Street, Ullapool IV26 2UJ

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of Premises Licence by Punch Partnership Ltd, Jubilee House, Second Avenue, Burton on Trent, DE14 2WF per TLT LLP, 140 West George Street, Glasgow G2 2HG.

1.0 Description of Premises

1.1 The premises were granted a licence on transition on 1 September 2009. Premises consist of an hotel with 10 letting bedrooms and public bar and breakfasting room/small restaurant.

2.0 Current Operating Hours

On Sales:

1100 hours to 0100 hours Monday to Friday

1100 hours to 2400 hours Saturday

1230 hours to 2330 hours Sunday

Off Sales:

1100 hours to 2200 hours Monday to Saturday

1230 hours to 2200 hours Sunday

3.0 Summary of Variation Application

3.1 Variation Sought

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

1. Amendment to on sales hours to 1100 hours to 0100 hours Monday to Sunday
2. Amendment to off sales hours to 1100 hours to 2200 hours Monday to Sunday.
3. Amendment to seasonal variation wording: Add any additional hours which may be available in terms of the Board's statement of licensing policy including the festive season.

4.0 Background

- 4.1 On 5 March 2015 the Licensing Board received an application for a major variation of a Premises Licence from the applicant's agent, TLT LLP, 140 West George Street, Glasgow G2 2HG
- 4.2 The application was publicised during the period 20 March 2015 until 10 April 2015 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council - Lochbroom.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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

5.0 Legislation

- 5.1 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, 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 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 overprovision of licensed premises or licensed premises of that description in the locality.

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

If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

The increases to licensed hours are in accordance with Board policy.

The amended seasonal variation may allow the licence holder to take advantage of any relevant periods of extended hours agreed in a future policy on extended hours in addition to the current policy for the festive period.

The variations sought are reasonable and appropriate for this type of premises and should not conflict with any of the licensing objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

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

8.0 Conditions

8.1 Mandatory Conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local Conditions

Existing local conditions should continue to apply to the licence.

With the addition:

Additional Conditions:

The following shall apply on any occasion that the Premises are open after 0100 hrs.

Mandatory condition

1. A person trained to the satisfaction of the Licensing Board in administering

first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs.

8.3 Special Conditions

1. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s). 8.2 and 8.3 above.

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/RSL/R/1198

Date: 22 April 2015

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