

The Highland Licensing Board

Meeting – 16 June 2015

Agenda Item	11.7
Report No	HLB/072/15

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

Moorings Hotel, Banavie, Fort William, PH33 7LY

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence by Lochaber Hotels Limited.

1.0 Description of Premises

1.1 The premises are a two storey Hotel situated on the banks of the Caledonian Canal at Banavie, Fort William with a current capacity of 360 persons.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 0000 hours
Thursday to Saturday: 1100 hours to 0100 hours
Sunday: 1230 hours to 2345 hours

Off sales:

Monday to Saturday: 1100 hours to 2200 hours
Sunday: 1230 hours to 2200 hours

3.0 Summary of Variation Application

3.1 Variation Sought

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

- (1) increase on and off-sale opening hour on Sunday to 1100 hrs;
- (2) increase on-sale terminal hour on Sunday to 0100 hrs;

- (3) increase on-sale terminal hour, Monday to Wednesday to 0100 hrs;
- (4) include the following additional activities outwith core hours namely: receptions and outdoor drinking;
- (5) update children's policy to reflect proposed changes;
- (6) increase capacity of premises from 360 persons to 470 persons;
- (7) extend existing licensed footprint area to include a new café/restaurant area on the ground floor, five additional bedrooms on first floor and an additional outdoor drinking area adjacent to the café bistro;
- (8) removal of existing toilets within the Lounge Bar and relocation of the toilets to within the new café area.

4.0 Background

- 4.1 On 1 April 2015 the Licensing Board received an application for a major variation of a Premises Licence from Lochaber Hotels Limited.
- 4.2 The application was publicised during the period 27 April 2015 to 18 May 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.
- 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:-

- (i) the increase in operating hours are within the policy hours of the Highland Licensing Board;
- (ii) the activities sought outwith core hours referred to in the operating plan are reasonable and appropriate for this type of operation;
- (iii) the revised Children's Policy is considered suitable and is within the policy of the Highland Licensing Board;
- (iv) the layout plan submitted with the application 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;
- (vi) the premises are considered suitable for use for the sale of alcohol in accordance with the proposed application.

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 will continue to apply and no additional local conditions are considered necessary.

8.3 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/RSL/0460

Date: 01 June 2015

Author: AMK:ET/JT

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