

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	7.2
Report No	HLB/080/15

Application for the grant of a premises licence under the Licensing (Scotland) Act 2005

The Legend of Loch Ness (Cruiseship) Canal Side, Fort Augustus PH32 4BD

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 The Legend of Loch Ness (Cruiseship) Canalside, Fort Augustus PH32 4BD per Cruise Loch Ness Limited, Clava House, Cradlehall Business Park, Inverness IV2 5GH.

1.0 Description of Premises

1.1 This is a passenger cruise boat based in Fort Augustus and operating on Loch Ness and the Caledonian Canal. A licence was held previously, but for a separate ship. This is a replacement vessel.

2.0 Operating Hours

2.1 The applicant seeks the following hours:

On sales:

Monday to Sunday 1100 hours to 2400 hours

Off sales:

Monday to Sunday 1000 hours to 2200 hours

3.0 Background

3.1 On 26 June 2015 the Licensing Board received a revised application for the grant of a premises licence from the applicant's agent: Messrs South Forrest, Solicitors, 8 Ardross Terrace, Inverness, IV3 5NW.

The application is for a cruise ship and no Section 50 certificates are required.

3.2 The application was publicised during the period 29/06/2015 until 20 July 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) and Planning and Building Standards were consulted on the application.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council (Fort Augustus and Glenmoriston).
- 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 applicant was the holder of a premises licence in respect of passenger cruise vessels namely, 'Royal Scot (Cruise Boat)' and 'Caledonian Spirit (Cruise Ship)' based in Fort Augustus. Following the sale of Caledonian Spirit (Cruise Ship) the premises licence was surrendered and this application is in respect of its replacement namely, 'The Legend of Loch Ness (Cruise Ship)'.

5.2 The core hours applied for are within the policy of the Highland Licensing Board.

5.3 The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.

5.4 The children's policy is considered suitable for the proposed operation and is within the policy of the Highland Licensing Board.

5.5 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.

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, it is not considered necessary to attach any local conditions.

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/582

Date: 23 July 2015

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