

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	8.3
Report No	HLB/083/15

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

Caol Community Centre (New), Caol, Fort William

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a premises licence in respect of Caol Community Centre, Caol, Fort William.

1.0 Description of premises

1.1 The Caol Community Centre is situated in the village of Caol and is set within its own grounds with associated car parks for use by patrons.

The Community Centre will be leased from Highland Council and the applicant will be responsible for the management of the premises.

There are additional facilities included within the premises which are not under the control of the applicant.

The premises will comprise of an entrance hall with toilets, changing rooms, store facilities, an office and kitchen. There are two community halls which may be separated by a sliding partition. A bar counter will be accessible from both halls.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 0100 hours

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

Off sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

- 3.1 On 1 June 2015 the Licensing Board received an application for the provisional grant of a premises licence from Karen Fay Houghton.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

Section 50 certification for Building Standards and Food Hygiene is not required for a provisional application. These certificates will require to be submitted when the provisional licence requires to be confirmed.

- 3.2 The application was publicised during the period 15 June until 6 July 2015 and confirmation that the site notice has been 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.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.

Observations/guidance in relation to the provision of kitchen/bar facilities were received from Community Services (Environmental Health) dated 29 June 2015 and these comments have been passed to the applicant.

- 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:-

- (i) The core hours applied for are within the policy of the Highland Licensing Board.
- (ii) The activities sought, namely Conferences/Restaurant/Bar facilities/Receptions/Meetings/Live Performances/Dance facilities/Theatre/Films and Gaming would appear to be reasonable and appropriate for the proposed operation of the premises.
- (iii) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (iv) The layout plan submitted 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 and the premises would appear to be suitable for use for the sale of alcohol in accordance with the proposed application.
- (vi) Upon completion, the new premises will replace the existing Community Centre in respect of which there is a Premises Licence and this Premises Licence will thereafter be surrendered.

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:

- (A) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- (B) Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
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- (C) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para. 7.2 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/1743

Date: 28 July 2015

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