

The Highland Licensing Board

Meeting – 6 December 2016

Agenda Item	7.2
Report No	HLB/109/16

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

The Ship Inn, Shore Road, Invergordon

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 Ship Inn, Shore Road, Invergordon.

1.0 Description of premises

1.1 The Ship Inn intends to operate as a traditional guest house with restaurant, also for use by members of the public.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hrs to 2330 hrs

3.0 Background

3.1 On 11 October 2016 the Licensing Board received an application for the grant of a premises licence from Anna Lane Paterson.

The application was accompanied by the necessary Section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 28 October until 18 November 2016 and confirmation that the site notice was displayed is awaited.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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.
- 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://highland.gov.uk/hlb_hearings

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:-
- 5.2 The applicant intends to operate a traditional guest house for a maximum of 14 residents and a 55 cover restaurant also for use by members of the general public.

- 5.3 The application is for on sales only and the applicant seeks opening hours of 1000 hrs to 2330 hrs, a period of 13.5 hours, daily. Board policy for food-led premises, where the sale of alcohol is ancillary to the provision of food and only sold to persons taking table meals, permits opening from 0900 hrs on any day subject to the total licensed hours on any one day not exceeding 14 hours. If the application is granted the Board may wish to impose a special condition restricting the sale of alcohol prior to 1100 hrs only to persons taking a table meal on the premises.
- 5.4 There is no bar counter on the premises. While the restaurant side of the business is to be predominantly food-led, sales of alcohol will not be restricted to only guests or persons taking a meal on the premises other than during any period covered by a special condition.
- 5.5 The terms of entry for children and young persons' sections of the application contained references to parents and guardians of children and young persons. As such terms are unnecessary in the context of the full responses the applicant asks that they be removed and the term "suitable, responsible adult over the age of 18" substituted. Such a change would not conflict with the objective of protecting children from harm.
- 5.6 An outdoor drinking area is included in the application. The applicant erroneously stated that the area would not be used outwith core hours and now requests that the Board allow the area to be used prior to the commencement of core hours. As there are neighbouring residential premises the Board may wish to impose a condition and not allow the area to be used for the consumption of alcohol after 2200 hrs on any day.
- 5.7 The licensed hours applied for are within policy and the activities or services to be provided are appropriate for this type of business. The premises may open for business prior to the commencement of licensed hours.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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:

- e. After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.
- f. Alcohol may be sold on the premises prior to 1100 hours only to persons taking table meals.
- q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

Recommendation

The Board is invited to determine the above application and if minded to grant the application subject to the changes detailed in paragraphs 5.5 and 5.6, and to agree the proposed local conditions detailed at paragraph 7.2.

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/CSR/1794

Date: 21 November 2016

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