

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	9.1
Report No	HLB/035/17

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

The Corran (formerly known as The Corran Inn), Onich, Fort William, PH33 6SE

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of a provisional premises licence by John Mann, per Inn Business Scotland Ltd, Forsyth House, Lomond Court, Castle Business Park, Stirling, FK9 4UU.

1.0 Description of premises

1.1 The Corran is located within a rural, residential area overlooking Corran Ferry and comprises of a two storey building with outdoor drinking facilities.

2.0 Summary of variation application

2.1 Variation sought

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

1. The provisional premises licence period is due to expire on 13 May 2017 and completion of the premises is imminent. However an extension of one year to the provisional licence is sought as a precautionary measure;
2. Revise activities within operating plan to include accommodation;
3. Within other activities detailed in the operating plan, substitute "Terraced" area with "Decking" area;
4. Variation to layout plan – to include five self-contained bedroom suites (2 x self-contained units on the ground floor and 3 x self-contained units on the first floor which may be accessed via an external staircase on the south elevation of the premises); revised internal layout on both the ground and first floors and an outdoor drinking area to be located at the front of the premises;
5. Revision to children's policy to reflect revised layout;
6. Change name of premises to "The Corran", formerly known as "The Corran Inn".

3.0 Background

- 3.1 On 14 February 2017 the Licensing Board received an application for a major variation of a premises licence from John Mann per Inn Business Scotland.
- 3.2 The application was publicised during the period 20 February 2017 until 13 March 2017 and confirmation that the site notice was displayed has been received.
- 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 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.

4.2 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (1) A provisional premises licence is currently issued for these premises which are currently within the latter stages of construction. The provisional licence is due to expire on 13th May, 2017 and the licence holders are asking the Board for an extra period of time up to a year to finalise the premises and gain confirmation of the premises licence, the estimate of time is estimated to be far in excess of what will actually be required. The applicants have experienced delay during the course of their project caused by weather and the need to negotiate re-financing. The LSO views this request as reasonable and justified in the circumstances.
- (2) In addition, the applicants have applied for a major variation to the current provisional premises licence to ready themselves for confirmation.
- (3) Accommodation has been added to the operating plan to bring 5 en suite bedrooms within the operating plan. Similarly a decking area has been added which will become an outside drinking area. The proximity of residential property is sufficiently removed as to negate the requirement in the opinion of the LSO to condition its hours of operation.
- (4) The children's policy has been revised and is in keeping with the fifth licensing objective. New comprehensive layout plans have been lodged. The LSO and the applicant's agent are in agreement to amend the terms of local condition A to allow resident children to remain within the bar area after 2200 hours. This is to recognise the family emphasis of the premises and recognition that for residents, the bar area also doubles as a residents lounge . The LSO is satisfied that the environment is suitable for children under adult supervision at these times.
- (5) The LSO is of the opinion that should the Board be minded to grant the application there will be no compromise to the licensing objectives.

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

Existing local conditions will continue to apply and no additional local conditions are considered necessary however the Licensing Standards Officer recommends that local condition A be amended as follows:

- “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 or where the child is resident on the premises.” (Licensing objective 5)

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 amendment to local condition A 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/1656

Date: 14 March 2017

Author: SB:IC/JT

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