

## The Highland Licensing Board

Meeting – 9 June 2017

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|-------------|------------|
| Agenda Item | 12.16      |
| Report No   | HLB/074/17 |

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

The Great Glen, 98-104 High Street, Fort William, PH33 6AD

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for a major variation of premises licence by J D Wetherspoon (Scot) Ltd, Wetherspoon House, Reeds Crescent, Watford, WD24 4QL.

#### 1.0 Description of premises

1.1 The premises are located in the town centre of Fort William and operate akin to a public house whilst offering restaurant/bar meal facilities to families and individual patrons.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

- (1) Variation seeks to permit young persons to access the premises unaccompanied, at the management's discretion, for the purposes of consuming a meal.

#### 3.0 Background

- 3.1 On 4 May 2017 the Licensing Board received an application for a major variation of a premises licence from J D Wetherspoon (Scot) Ltd.
- 3.2 The application was publicised during the period 9 May 2017 until 30 May 2017 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.

Consultation did not take place with the Community Council as there is currently no local Community Council constituted.

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](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:-

- (i) Wetherspoons is a major retail chain specialising in both food and alcohol provision. They have a substantial premises situated on the High Street in Fort William, which offers substantial family friendly dining but also a substantial wet sales service. The licensing history of the premises is trouble free and compliance visits carried out by the LSO have shown good levels of diligence and compliance. The premises are a member of the local Pub Watch Scheme.
  
- (ii) Application has been made to vary the existing children and young persons policy to allow the management discretion to admit young persons unaccompanied up till 2200hrs for the purpose of obtaining meals. The premises were last inspected by the LSO in March 2017 and in terms of the overall environment the presence of young persons for meals and soft/non alcoholic beverages is perfectly in keeping with the fifth licensing objective. The feel is very much of a large dining area with a large bar /servery counter. The premises is not dissimilar to largescale dining chains which have similar children and young person policies in operation.

## **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.

### **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/RSL/1556

Date: 31 May 2017

Author: SB:IC/JT

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