

**The Highland Licensing Board**

**Meeting – 6 February 2018**

Agenda Item	7.1
Report No	HLB/009/18

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

**Blais, 147 High Street, Fort William, PH33 6EA**

**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 Blais, 147 High Street, Fort William, PH33 6EA.

**1.0 Description of premises**

**1.1** The premises are located within a terraced building at the west end of Fort William High Street and will operate as a Café/Bistro serving breakfast, lunch and afternoon tea which will be ordered at the bar/counter and then served to the customer at their table. In the evening, the Bistro will operate by way of table service.

The licensed area will comprise of a split level restaurant located on the ground floor with a bar counter/servery. A ramped access and steps lead to the upper level seating area. The restaurant has a seating capacity of 35 covers.

Toilet facilities and the cooking preparation area are located at the rear of the premises.

There are steps at the rear of the premises which lead down to the basement area of the premises. It is proposed in the future, to utilise the basement of the premises as an area where distilling/brewing would take place. This area does not form part of the licensed premises.

Alcohol will also be offered for consumption off the premises.

An outdoor seating area is located adjacent to the premises but does not form part of the licensed premises.

## **2.0 Operating hours**

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

**On sales:**

Monday to Sunday: 1100 hours to 2300 hours

**Off sales:**

Monday to Sunday: 1100 hours to 2200 hours

## **3.0 Background**

3.1 On 18 December 2017 the Licensing Board received an application for the provisional grant of a premises licence from Lochaber Craft Brewing and Distilling Limited.

The application was accompanied by the necessary section 50 certification in terms of planning. Section 50 building standards and food hygiene certificates are not required to support provisional applications.

3.2 The application was publicised during the period 22 December 2017 until 12 January 2019 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, 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](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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. 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
5. that 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 the same or similar description as the subject premises, in the locality.

4.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.3 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:-

- A provisional premises licence has been submitted for these proposed premises which are to be housed within a terraced building at the west end of Fort William High Street, Lochaber.
- During the day the operating plan is to be by way of a Café/Bistro offering breakfast, lunch and afternoon tea. Customers will order their choices at the serving counter and these will thereafter be delivered to tables by staff. In the evening the premises will operate as a Bistro with food and alcohol sales by way of table service only.
- The premises appear to be suitable for the sale and supply of alcohol.
- The hours applied for are within Highland Licensing Board policy. Off Sales are applied for as an ancillary service which will offer craft beers and other craft alcohol products. There will be no alcohol display as such, sales will be resourced from a secure stock room.
- The operating plan has been reviewed by the LSO and appears to meet all five 5 licensing objectives.
- The application has been appropriately advertised and no objections or observations have been received.

## **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 conditions 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.
- 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/1846  
Date: 22 January 2018  
Author: IC/JT