

## The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	9.7
Report No	HLB/027/18

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

Roobarb, 141B High Street, Fort William, PH33 6EA

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

##### Summary

This report relates to an application for a major variation of premises licence by Mr David Smillie.

#### 1.0 Description of premises

1.1 Roobarb operates as a nightclub venue and is situated to the rear of a terraced building at the west end of Fort William High Street. The premises comprise two raised floor areas which accommodate a bar area and a dance area with a dedicated DJ Booth.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

(1) increase capacity of premises from 90 persons to 130 persons.

#### 3.0 Background

3.1 On 7 February 2018 the Licensing Board received an application for a major variation of a premises licence from Mr David Smillie.

3.2 The application was publicised during the period 13 February 2018 until 6 March 2018 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 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 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. 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 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.
- 4.4 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**

The LSO has provided the following comments:-

- (1) Roobarb is a recently opened premises on Fort William High Street which has late hours entitlement within its core hours.
- (2) The premises have been visited by the Licensing Standards Officer and are finished to a high standard and have the necessary infrastructure to comply with the late opening regulations. The operating history of the premises is satisfactory.
- (3) Application has been made following internal refurbishment to increase the operating capacity of the premises. The necessary consultation has been carried out with the Building Standards department who confirm no objections. The Licensing Standards Officer is of the opinion that should the Board be minded to grant this application there will be no adverse effect on the licensing objectives.
- (4) Following the statutory consultation period no objections or representations 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**

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/1796

Date: 7 March 2018

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