

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	8.1
Report No	HLB/057/18

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

Jacobite Maverick (Cruise Ship), Dochgarroch Locks, Dochgarroch, Inverness-shire, IV3 8JG

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 Jacobite Maverick (Cruise Ship), Dochgarroch Locks, Dochgarroch, Inverness-shire, IV3 8JG.

1.0 Description of premises

1.1 The Jacobite Maverick (Cruise Ship) is situated at Dochgarroch Docks and consists of a cruise ship licensed to carry 200 passengers up Loch Ness.

2.0 Operating hours

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

On sales:

Monday to Sunday: 0900 hours to 2400 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 8 May 2018 the Licensing Board received an application for the grant of a premises licence from Jacobite Cruises Ltd.

S50s not applicable.

- 3.2 The application was publicised during the period 14 May until 4 June 2018 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 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:-

(i) Application has been made for a passenger cruise vessel, Jacobite Maverick, with a passenger capacity of 200, which will be used for tourists visiting Loch Ness and will be berthed at either Dochgarroch or a harbour at the Clansman Hotel.

(ii) The vessel will be an addition to Jacobite Cruises Ltd fleet of vessels, a number of whom already carry alcohol premises licences. No adverse issues have been recorded in respect of alcohol issues on any vessel, and tight controls are exercised by staff, due to the inherent risks caused by plying on inland waterways.

(iii) Bar facilities will be offered on the vessel. Trading hours are applied for on a 0900 hours to 2400 hours basis, which in itself, is out with the policy of the Highland Board as these premises are not food led. Precedent has been set and, allowed for on other vessels by the Board, as alcohol sales are small and cater mainly for requests made by foreign visitors. In these circumstances, the LSO is content that although out with policy, no adverse impact would be made in respect of the licensing objectives if the Board were minded to grant the application.

(iv) A disabled access and facilities statement has been submitted by the applicants.

(v) No objections or representations have been submitted in respect of this application.

(vi) No local licensing conditions are recommended by the LSO.

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

No 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/INBS/623
Date: 12 June 2018
Author: Marjory Bain