

The Highland Licensing Board

Meeting – 2 April 2019

Agenda Item	8.5
Report No	HLB/035/19

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

Lochleven Seafood Café, Loch Leven, Onich, Fort William, PH33 6SA

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Lochleven Seafood Centre Limited, Loch Leven, Onich, Fort William, PH33 6SA.

1.0 Description of premises

1.1 Lochleven Seafood Café is a family run 36 seater café/seafood restaurant with terrace, situated on the B863 between North Ballachulish and Kinlochleven in a quiet location overlooking Loch Leven and the Pap of Glencoe.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 2300 hours
Sunday: 1230 hours to 2300 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Remove local licensing condition currently prohibiting a bar counter.
- (2) Remove local licensing condition relating to prohibiting off-sales.
- (3) Increase footprint of premises to incorporate new coffee shop/reception area.
- (4) Increase terminal on-sale licensing hour, Monday to Sunday, to 0100 hours (currently 2300 hours)

- (5) Increase on-sale opening hour on Sunday to 1100 hours (currently 1200 hours)
- (6) Remove specific condition in relation to bar counter in order for customers to be able to order drinks at new café counter.
- (7) Permit the sale of alcohol off the premises (off-sales) - Monday to Sunday 1000 hours to 2200 hours.
- (8) Increase overall capacity of the premises from 36 persons to 50 persons.
- (9) Within activities, restaurant and outdoor drinking to be available prior to core licensed hours.
- (10) Update description of premises.

4.0 Background

- 4.1 On 14 February 2019 the Licensing Board received an application for a major variation of a premises licence from Loch Leven Seafood Centre Limited.
- 4.2 The application was publicised during the period 22 February 2019 until 15 March 2019 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received, however, Building Standards have intimated that no completion certificate has been accepted for the extension applied for. This issue will be pursued directly by Building Standards as it does not adversely affect any of the five licensing objectives.
- 4.6 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

5.0 Legislation

5.1 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.

5.2 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.

5.3 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.

5.4 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (1) The Lochleven Seafood Café has run successfully as a restaurant type premises without issue. LSO visits carried out during the history of the alcohol premises licence show the premises to be well run and compliant with the terms and conditions of their licence. From customer review searches on the internet the premises have attracted a very high level of customer satisfaction.

- (2) Application has been made to extend the core hours of the premises in line with current board policy hours. This is to allow the premises to cater for functions and other similar types of business without having to apply for individual extended hour applications. Sunday on sales hours are also requested to be allowed to commence from 1100 hrs. In addition, the premises would wish to be able to offer off sales to customers, many of whom are tourists and visitors to the area. Off-sales are not seen by the applicant as a key mainline selling commodity but an opportunity to sell a small range of artisan and locally produced goods.
- (3) The applicant also seeks to extend the licensed footprint of the premises to incorporate a coffee shop and reception area for persons wishing light meals or waiting for their table to be ready and making choices from the menu. This extension will incorporate a service counter from where customers can order food and drinks; accordingly the existing condition prohibiting such a structure is requested to be removed.
- (4) Minor amendment has been made to the list of activities at section 5 of the operating plan allowing restaurant facilities and use of the outside drinking area outwith core licensed hours for the sale of foodstuffs and non alcohol based beverages.
- (5) The LSO has reviewed the amended operating plan and is of the opinion that it complies fully with the five licensing objectives.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

There are no existing local conditions and it is not considered necessary to attach any.

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/0455
Date: 20 March 2019
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