

The Highland Licensing Board

Meeting – 14 May 2019

Agenda Item	7.4
Report No	HLB/045/19

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

Black Isle Bar, St Mary's House, Gordon Square, Fort William, PH33 6DY

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 the Black Isle Bar, St Mary's House, Gordon Square, Fort William, PH33 6DY.

1.0 Description of premises

1.1 The Black Isle Bar is situated within a substantial detached building on two floors. Bar facilities are ostensibly on the ground floor which is the main sales area. A second bar is situated on an upper mezzanine floor for use in exceptionally busy periods or for private/corporate bookings. An external beer terrace is included on the second floor. Kitchen and toilet facilities are provided as is an area for customer car parking.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 0100 hours

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

Off sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

3.1 On 25 March 2019 the Licensing Board received an application for the provisional grant of a premises licence from Black Isle Brewing Company Ltd.

The application was accompanied by the necessary section 50 certification in terms of Planning together with a Disabled Access Statement.

- 3.2 The application was publicised during the period 2 April 2019 until 23 April 2019 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) An application has been received for the provisional grant of a premises licence for a substantial bar with dining facilities situated in the former St Mary's School Buildings, Gordon Square, Fort William;
- (ii) The application has been made by David Gladwin of the Black Isle Brewery who run a similar type of premises in Inverness, specialising in the provision of craft ales and high quality food provision. The applicant is looking to bring the same business model to Fort William;
- (iii) From the plans submitted the premises are suitable for the sale of alcohol. The hours applied for are within the policy hours currently operated by the Highland Licensing Board;
- (iv) The necessary Section 50 certificate relating to Planning has been submitted with the application. The site notice has been displayed for the required statutory period. Following the consultation phase of the application no objections or representations have been received;
- (v) The operating plan has been reviewed by the LSO and is deemed to be fully compliant with the 5 licensing objectives. The current Inverness premises have proved to be a well run establishment with a customer demographic which is based on craft ale drinkers, a commodity in which the premises specialise.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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;
 - k The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition;
- n(1) No live or recorded music shall be played in any outdoor drinking area.

7.3 Special conditions

The Board may wish to consider attaching the following special conditions:

- (1) No glass disposal shall take place between the hours of 2300 hours and 0800 hours;
- (2) No deliveries shall take place between the hours of 2300 hours and 0800 hours;

- (3) On any occasion that the premises are open after 0100 hours a person who is the holder of a Scottish Personal Licence shall be present on the premises from 0100 hours;
- (4) On any occasion that the premises are open after 0100 hours a person who is the holder of a current First Aid qualification shall be present on the Premises from 0100 hours.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 7.2 and 7.3 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/1902
Date: 26 April 2019
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