

The Highland Licensing Board

Meeting – 14 May 2019

Agenda Item	7.6
Report No	HLB/047/19

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

Gairloch Museum, Achtercairn, Gairloch

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 Gairloch Museum, Achtercairn, Gairloch.

1.0 Description of premises

1.1 The proposed premises will include a museum, café, shops, retail units, education rooms and library in a new two storey building in the process of being constructed in the centre of Gairloch.

2.0 Operating hours

The applicant seeks the following **on sales** and **off sales** hours:

On sales:

Monday to Sunday 1100 hrs to 0100 hrs the following day

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 28 March 2019 the Licensing Board received an application for the provisional grant of a premises licence from GDHM Trading Limited.

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

3.3 The application was publicised during the period from 5 to 26 April 2019 and confirmation that the site notice was displayed is awaited.

3.4 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.

- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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.
- 4.2 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.
- 4.3 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.

4.4 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. The applicant is the trading arm of Gairloch Museum which is to operate from a 2 storey detached, custom-built premises currently being constructed in Gairloch.
- b. The premises contain exhibition space, a cafe, shop and retail space along with educational facilities, a library and offices. There is no fixed bar counter on the premises.
- c. The application is for both on and off-sales. On-sales will be dispensed from a servery and off-sales from an alcohol display within the retail space. The off-sales display has a capacity of 6m² which does not conflict with Board policy on overprovision.
- d. The operating plan lists a wide range of activities and services which may be provided on the premises during and outwith core hours in order to make maximum use of the facilities.
- e. An outdoor drinking area has been identified and it is not considered necessary to impose any conditions restricting its use.
- f. The applicant has considered the terms of entry for children and young persons and considers that only children under 10 years of age must be accompanied by an appropriate, responsible adult.
- g. The licensed hours sought are within Board policy and the services and activities to be provided are appropriate for this type of operation. It is very unlikely that the full range of hours will be used regularly.
- h. I am satisfied that the applicant has given due consideration to the licensing objectives and have no cause to object to the grant of the provisional premises application.

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

None to apply

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/CSR/1905

Date: 30 April 2019

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