

**The Highland Licensing Board**

**Meeting – 6 August 2019**

Agenda Item	<b>6.2</b>
Report No	<b>HLB/068/19</b>

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

**Green Screen Diner, 147 High Street, Fort William, PH33 6EA**

**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 the Green Screen Diner, 147 High Street, Fort William.

**1.0 Description of premises**

1.1 The Green Screen Diner is situated within a terraced building at the west end of Fort William High Street and will operate as a restaurant/diner.

Alcohol will be sold as ancillary to persons consuming a meal on the premises.

The licensed area will comprise of a split level restaurant located on the ground floor with a bar counter/servery. A ramped access and steps lead to the upper level seating area. The restaurant has a seating capacity of 40 covers.

Toilet facilities and the cooking preparation area are located at the rear of the premises.

There are steps at the rear of the premises which lead down to the basement area of the premises. This area does not form part of the licensed premises.

**2.0 Operating hours**

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

**On sales:**

Monday to Sunday: 1000 hours to 2300 hours

### **3.0 Background**

3.1 On 21 June 2019 the Licensing Board received an application for the grant of a premises licence from The Green Screen Diner Ltd.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.2 The application was publicised during the period 25 June 2019 until 16 July 2019 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 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) The premises in question occupy a position on High Street, Fort William. Formerly the premises were licensed but the premises licence ceased to have effect this year when no transfer took place within the statutory period. A new premises licence application has been received from the applicant.
- (ii) The application has been overviewed by the Licensing Standards Officer and is compliant with the five licensing objectives and is in keeping with all aspects of current Highland Licensing Board policy. The premises are a 40 cover restaurant with no provision for vertical drinking.
- (iii) The application has been accompanied by the necessary section 50 certificates and disability access statement. Layout plans of appropriate quality have been submitted.
- (iv) The service of alcohol will be by way of table service to patrons taking meals. A specific local licensing condition has been recommended to be attached to the premises licence in this regard.

- (v) The hours of operation conform to the Board's policy in respect of food led establishments allowing service with food prior to 1100hrs. A full menu will be available throughout operating hours.
- (vi) During the statutory consultation phase of the application process, no objections or observations were received by the Board.

## **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**

It is not considered necessary to attach any local conditions.

### **7.3 Special conditions**

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

- (1) All alcohol will be sold solely as ancillary to a meal purchased and consumed on the premises.

## **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition detailed at para. 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/1907  
Date: 17 July 2019  
Author: Ian Cox/Julie Traynor