

The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	7.4
Report No	HLB/031/20

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

Volunteer Arms, 47 High Street, Fort William, PH33 6DH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by David Smillie.

1.0 Description of premises

1.1 The Volunteer Arms is a well-established bar located on the High Street within the town centre of Fort William, overlooking Cameron Square.

The premises are considered hybrid premises, operating as a traditional public house during the day and every Friday and Saturday evening from 2100 hours, they offer a mixture of live music and DJ entertainment, catering for the late night economy. The premises have a substantial dance floor area and professional sound and lighting systems.

The premises occupy the ground floor and basement of a three storey building. The premises consist of a bar on the ground floor with the bar counter to the front of the premises. The area to the rear of the premises accommodates a pool table which is removed when entertainment is provided and the area is utilised as a dance area. There is a stairway before the dance area which leads to the male and female toilets in the basement. There are also external drinking facilities at the front of the premises on the High Street.

2.0 Summary of variation application

2.1 Variation sought

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

(i) Request removal of the following local condition:

"After 2100 hours on Friday and Saturday where the premises is open until later than 0100 hours the following day, the premises licence holder will ensure that there are a minimum of three stewards all holding a licence granted under Section 8 of the Private Security Industry Act 2001 working at the premises, with one steward dedicated to the internal floor area of the premises."

- (ii) Request the above condition be replaced with a condition requiring two stewards to be present on the premises on Friday and Saturday evenings until such time as all customers have vacated the premises.

3.0 Background

- 3.1 On 8 January 2020 the Licensing Board received an application for a major variation of a premises licence from David Smillie.
- 3.2 The application was publicised during the period 14 February 2020 until 6 March 2020.

Confirmation that the site notice has been 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 although a response from the Fire Authority is still awaited.
- 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 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.

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 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) At the meeting of Highland Licensing Board on Friday 1 March 2019, a premises licence review hearing was held in respect of the Volunteer Arms, Fort William following a request for a review submitted by Police Scotland.
- (ii) As a result of this hearing the following additional local licensing condition was placed on the premises licence:
 - After 21:00 hours on Friday and Saturday where the premises is open until later than 01:00 hours the following day, the premises licence holder will ensure that there are a minimum of three stewards all holding a licence granted under Section 8 of the Private Security Industry Act 2001 working at the premises, with one steward dedicated to the internal floor area of the premises.
- (iii) Following the decision of the Licensing Board, the licence holder Mr Smillie has complied with this requirement.
- (iv) In the intervening 11 months the conduct of the premises has been good with a substantial decrease of incidents notified to the Police. The licence holder has maintained membership of the local Pubwatch and has entered the Best Bar None Awards which are designed to promote good standards of customer service and safety, achieving a very creditable Silver Award.

- (v) Regular licensing visits have been carried out by patrolling officers of Police Scotland without adverse reports. Compliance visits have been made by the LSO which show full compliance with conditions and the requirements of the Licensing (Scotland) Act 2005.
- (vi) It is the view of the LSO that the applicant's request to reduce his stewarding numbers to two stewards is justified and still meets the requirements of the licensing objectives.

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

Existing local conditions will continue to apply and no additional 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/RSL/0486
Date: 17 March 2020
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