

The Highland Licensing Board

Meeting – 8 September 2020

Agenda Item	7.1
Report No	HLB/059/20

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

The Strathdearn, Tomatin, IV13 7YN

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 Strathdearn, Tomatin.

1.0 Description of premises

1.1 The Strathdearn is situated in the village of Tomatin and consists of a detached community shop, community cafe, large public hall, full function suite with bar facilities and several smaller function rooms.

2.0 Operating hours

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

On sales:

Monday to Thursday: 1000 hours to 2400 hours
Friday to Saturday: 1000 hours to 0100 hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 15 July 2020 the Licensing Board received an application for the provisional grant of a premises licence from White River Trading.

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 27 July until 17 August 2020 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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 Strathdearn is a community hub operated by a community company situated on an extensive site within the village of Tomatin, Inverness-shire.
- (ii) On the site is a stand-alone community shop complete with off sales facility. There is a separate café area where seated customers can also purchase an alcoholic drink. There is a separate large public community centre containing a function hall with on-site bar facilities, a number of meeting rooms and suite of offices for the community company staff. There are also external areas including a covered all weather football pitch and external landscaped grounds which been included within the licensed footprint in order that events such as farmers markets, food fayres, Christmas markets may be accommodated on the site.
- (iii) The LSO has met with representatives of the community company and has assisted with the compilation of the operating plan which is designed to make this premises the centre of village and community life in Tomatin.
- (iv) It is the opinion of the LSO that the operating plan conforms with the 5 licensing objectives and meets the requirements of current Highland Licensing Board policy.
- (v) The application has been submitted with the required Section 50 certificates relating to planning, food hygiene and building control. A disabled access statement has also been submitted.
- (vi) The alcohol capacity of the off sales display in the shop is well under the threshold of 40 square metres set by the Board for considering the issue of overprovision.

(vii) On Friday's and Saturday's the total operating hours for alcohol sales is 15 which exceeds Board policy (14 hours). However, this merely illustrates the range of operation on the overall premises with the shop and café opening from 1000 hours but closing by 2200 hours and the prospect of a late evening function held within the function room of the community hall being licensed until 0100 hours.

(viii) The LSO is confident that these superb community facilities will cause no adverse issues.

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:

Café

- (e) Premises opening for sale of alcohol prior to 1100 hours shall have available a selection of hot and cold food and shall advertise this within the premises.

Community Hall

- (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. This condition does not apply to children of the licence holder or children who are resident on the premises.
- (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 or premises in the Board's Policy

Statement. The premises may remain open until the festive period terminal hour only on these dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

7.3 Special conditions

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

1. On any occasion that these premises are permitted to be open later than 0100 hours a personal licence holder shall be on duty at the premises until all patrons have left the premises.
2. On any occasion that these premises are permitted to be open later than 0100 hours a qualified first aider shall be on duty at the Premises until all patrons have left the premises.

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/INBS/656
Date: 19 August 2020
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