

**The Highland Licensing Board**

**Meeting – 8 September 2020**

Agenda Item	<b>9.1</b>
Report No	<b>HLB/063/20</b>

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

**Bridge Café, Spean Bridge, PH34 4EP**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Mary R Fraser.

**1.0 Description of premises**

1.1 The Bridge Cafe is a single storey building adjacent to the A82 within the village of Spean Bridge and consists of a cafe/bar/restaurant with toilet facilities and outdoor patio area. The premises principally operates as a licensed cafe/restaurant for local and passing trade and takes occasional bookings for functions/parties/weddings/ceilidhs/group meetings/fundraising events.

The counter/servery within the premises operates as a servery until 1700 hours and thereafter reverts to a bar counter for operational purposes.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**On sales:**

Monday to Sunday: 1100 hours to 2345 hours

**Off sales: (temporary during covid pandemic)**

Monday to Sunday. 1000 hours to 2200 hours

### **3.0 Summary of variation application**

#### **3.1 Variation sought**

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

- (1) Seek provision of off sales on a permanent basis during the hours of 1000 to 2200 hours;
- (2) Create a new outdoor seating area with capacity for 40 persons (reduced from 74 as per discussions with Police Scotland);
- (3) Add seasonal variation to permit extended hours during festive season;
- (4) Add additional activities to operating plan, within and outwith core hours as follows: conference facilities; club meetings; televised sports and outdoor drinking;
- (5) Enhance existing children and young persons policy to reflect that children and young persons employed on the premises will be supervised by senior members of staff;
- (6) Additional activities may include the provision of a meals delivery service which can include the delivery of alcohol;
- (7) Revision of premises description to incorporate additional activities.

#### **4.0 Background**

- 4.1 On 21 July 2020 the Licensing Board received an application for a major variation of a premises licence from Mary R Fraser.
- 4.2 The application was publicised during the period 16 August 2020 until 6 September 2020 and confirmation that the site notice has been displayed is awaited.
- 4.3 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.

##### **(a) Planning Authority:**

The Planning Authority have advised that planning have temporarily relaxed controls for businesses in their response to the covid situation, however, if the outdoor structure is intended to be permanent then the licence-holder would require to apply for planning permission. The licence-holder is aware of this requirement.

##### **(b) Building Standards:**

Building Standards have been in contact with the applicant directly concerning the outdoor structure in order to identify whether or not a building warrant would be required.

- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.

- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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.

## **5.0 Legislation**

- 5.1 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.

- 5.2 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.

- 5.3 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.

- 5.4 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.

## **6.0 Licensing Standards Officer**

- 6.1 The Licensing Standards Officer has provided the following comments:-

- The Bridge Café is a detached bistro/diner situated within the village of Spean Bridge, Lochaber. It has held an alcohol premises licence under the current ownership for several years and the operating history is entirely issue free.
- Compliance visits by the Licensing Standards Officer have shown strong levels of compliance with the terms and conditions of the premises licence.
- From the experience of the recent pandemic, the premises have experimented with an outside drinking area to create extra customer capacity. The ability to trade in off sales has also been experienced and now the licence holder wishes to build these aspects of trade into the permanent operating plan of the premises by way of this major variation. The off sales hours are within those allowed by the Licensing (Scotland) Act 2005 and revised layout plans have been submitted showing the new outside drinking area.
- Off sales will be sourced entirely from stock without a dedicated display.
- The applicants have taken the opportunity of modernising the licence by expanding the list of activities offered on the premises within Section 5 of the operating plan. Learning from the experience of lock-down, permission is sought on occasion to offer home delivery of meals with or without alcohol. Appropriate age verification training will be given to their staff who will undertake all delivery.
- Seasonal variations are requested to allow the premises to trade under extended hours during the festive season.
- Lastly, the children and young persons policy has been updated to take into account persons under 18 who may be employed on the premises and their supervision by a responsible person.
- The Licensing Standards Officer is satisfied the application is compliant with the 5 licensing objectives.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **8.2 Local conditions**

Existing local conditions will continue to apply and it is recommended that the following additional local conditions be attached:

- 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.
- m. After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.
- n(i). No live or recorded music shall be played in any outdoor drinking area.
- p. The licence holder shall ensure that all outdoor tables are regularly cleared of all used glassware, crockery, cutlery and refuse.

### 8.3 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 0100hrs 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 0100hrs 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 and special conditions detailed at paras. 8.2 and 8.3 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/1706  
Date: 21 August 2020  
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