

The Highland Licensing Board

Meeting – 16 February 2021

Agenda Item	7.1
Report No	HLB/015/21

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

The Dipping Lugger, 4 West Shore Street, Ullapool

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a provisional premises licence in respect of The Dipping Lugger, 4 West Shore Street, Ullapool.

1.0 Description of premises

1.1 The premises is a 20 cover restaurant with two letting bedrooms, a small standalone off sales display area, and outdoor drinking area. Residents of the two rooms will have access to a separate and standalone honesty bar.

2.0 Operating hours

2.1 The applicant seeks the following hours:

On sales:

Monday to Sunday: 0900 hrs to 0100 hrs the following day

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 14 December 2020 the Licensing Board received an application for the provisional grant of a premises licence from Robert Hicks and Helen Chalmers.

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 January 2021 and confirmation that the site notice was displayed has been received.

- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, a representation dated 30 December 2020 was received from Police Scotland and is attached as an appendix to this report.
- 3.7 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.
- 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 Dipping Luger is a stone built detached, double storey building of character which is currently being restored from a large dwelling house into a restaurant with two large double letting rooms and outside hospitality area.
- b) The property is situated in the village of Ullapool in Wester Ross and is located on the shore front overlooking the ferry terminal.
- c) This application for a provisional licence is to allow for the On Sale of alcohol to residents and restaurant customers, there is no bar within the premises and so there will only be table service both within the restaurant and outdoor area. There will also be room service and the provision of an honesty bar purely for residents use and as per policy provided.
- d) There will be Off Sales which is primarily to allow for the sale of the produce provided by a sister company, The Highland Liquor Company.
- e) The hours applied for are out with the policy of the Highland Licensing Board, in that applicant is seeking an 0900 hrs opening with an 0100 hrs terminal hour. This is intended to allow for the sale of alcohol as ancillary to breakfasts primarily to cater for the ferry traffic trade, the 24 hour fishing and pier workers as well as the vibrant local tourist trade. The hours applied for will exceed the board policy of a continuous open period of more than fourteen hours, but it is felt that there is sufficient justification given the alcohol sales will be only as an accompaniment to table meals as well as the intended customer base.
- f) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- g) The layout plan submitted complies with the required specifications.
- h) The Children and Young Persons policy is suitable and considered within the Highland Licensing Board Policy
- i) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- j) A Noise Management Plan has been produced following discussion between the applicant and Environmental Health Officers.
- k) A representation received from Police Scotland has been addressed at Local Condition f.

- l) During the period of consultation, no timeous objections have been received.
- m) I have no objection to this 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

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:

- f. Alcohol may be sold on the premises prior to 1100 hrs only to persons taking table meals.
- m. After 2300 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para 7.2.

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/1945
Date: 26 January 2021
Author: G Sutherland

Appendix: Letter dated 30 December 2020 from Police Scotland

30/12/2020

Your Ref:

Our Ref: 535544

Clerk to the Highland Board
Town House
High Street
Inverness
IV1 1JJ



Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

Dear Madam,

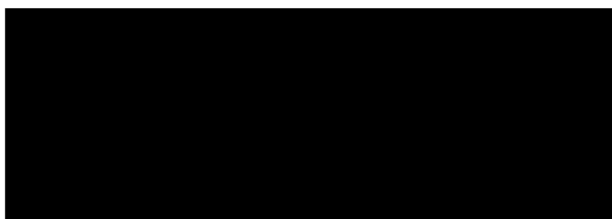
**LICENSING (SCOTLAND) ACT 2005 - APPLICATION FOR THE GRANT OF A
PREMISES LICENCE
THE DIPPING LUGGER, 4 WEST SHORE STREET, ULLAPOOL, IV26 2UR
PARTNERSHIP OF ROBERT HICKS & HELEN CHALMERS**

I refer to the above application and in terms of Section 21(4)(a)(i) and (ii) of the Licensing (Scotland) Act 2005, I have to advise you that neither the applicant nor any connected person has been convicted of any relevant offence.

I am unable to confirm the existence of any foreign offence in respect of the applicant or any connected person.

The applicants have requested on sale hours of 0900 - 0100 hours daily. This is in excess of current Board policy which permits 14 hours continuous trading. However, should the applicant provide an undertaking that alcohol will only be provided as ancillary to food between 0900 and 1100 hours, Police Scotland have no objection to this application.

Yours faithfully,



Chief Superintendent Conrad Trickett
Divisional Commander

OFFICIAL

For enquiries please contact the Licensing Department on 01463 720817