

The Highland Licensing Board

Meeting – 22 June 2021

Agenda Item	10.8
Report No	HLB/059/21

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

Crofter Bar and Restaurant, 7-11 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 Bamon Limited, 7-11 High Street, Fort William, PH33 6DH.

1.0 Description of premises

1.1 The premises are a 2/3 storey building situated in the pedestrian area of Fort William town centre.

The premises are considered hybrid premises which consist of a public bar and lounge bar with restaurant area. There are three access points leading to the premises: one from the High Street into the public bar area; one from the High Street leading into the lounge bar/restaurant area and a third from Middle Street leading into the lounge bar/restaurant area.

2.0 Summary of variation application

2.1 Variation sought

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

1. Add outdoor drinking within operating plan, within and prior to core hours.
2. Include option of providing take-away meals with or without the sale of alcohol.
3. Extend footprint of licensed premises to include external drinking area on Fort William High Street.

3.0 Background

3.1 On 5 May 2021 the Licensing Board received an application for a major variation of a premises licence from Bamon Limited.

- 3.2 The application was publicised during the period 14 May to 4 June 2021 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, both the applicant and the objector have 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 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:-

The Crofter is a busy town centre premises situated on Fort William, High Street.

The premises have held an alcohol premises licence since 2009 and have a sound operating history. The premises are active members of the Lochaber Pub Watch scheme and take part in the Best Bar None Accreditation scheme.

Application has been made to allow the premises to provide takeaway meals with or without alcohol; this has become a recent trend in the Highland area following the Covid regulations allowing premises the option of spreading their range of services. The LSO is satisfied that this meets the standards of the licensing objectives.

Application is also made to include an outside area on High Street and increase the licensed footprint of the premises; several neighbouring premises already have such areas approved on their operating plans. In view of the sound operating history of the premises the LSO is content that this is in accordance with the licensing objectives however as there are also residential properties nearby a cap of 2200hrs together with the other recommended local conditions is proposed by the LSO to mitigate against public nuisance 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

Existing local conditions will continue to apply and the following additional local conditions are considered necessary:-

- L The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.
- 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.
- O The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.
- P The licence holder shall ensure that all outdoor tables are regularly cleared of all used glassware, crockery, cutlery and refuse.
- Q Within 15 minutes of the conclusion of permitted hours for any outside drinking area situated on a public footpath, all tables, chairs, parasols and other moveable furniture will be removed.

7.3 Special conditions

No special conditions are considered necessary.

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(s). 7.2 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/0437
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