

The Highland Licensing Board

Meeting – 7 September 2021

Agenda Item	8.1
Report No	HLB/078/21

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

Lochaline Social Club, Lochaline, Morvern, Argyll, PA80 5XT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Lochaline Social Club, Lochaline, Morvern, Argyll, PA80 5XT.

1.0 Description of premises

1.1 Lochaline Social Club sits in a rural location beside the ferry terminal in Lochlaine and comprises of a single bar and lounge area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Wednesday: 1100 hours to 0000 hours
Thursday to Saturday: 1100 hours to 0100 hours
Sunday: 1230 hours to 2345 hours

Off sales:

Monday to Saturday. 1100 hours to 2200 hours
Sunday: 1230 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) Increase on and off-sale opening hours as follows:
 - Sunday: 1100 hours (previously 1230 hours)
- (2) Add seasonal variation in relation to festive season.
- (3) At Q.5 of operating plan add the following activities within and outwith core hours : restaurant provision and bar meals.

4.0 Background

- 4.1 On 16 July 2021 the Licensing Board received an application for a major variation of a premises licence from Lochaline Social Club.
- 4.2 The application was publicised during the period 5 August until 26 August 2021 and confirmation that the site notice was displayed is awaited. The Clerk will provide confirmation of display verbally to Licensing Board on the day of the Board Meeting.
- 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.
- 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 however a response from the Fire Authority is awaited, pending return of a completed Fire Safety Checklist from the applicant. The Clerk will provide a verbal update to the Meeting.
- 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, both the applicant and the objector have 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 LSO has provided the following comments:-

- (1) The premises concerned are a small rural private members club, situated in Lochaline, Morvern.
- (2) The premises have a trouble free operating history.
- (3) Application has been made to allow "restaurant" and "bar meals" to be included within the list of approved activities listed within the Operating Plan, in order to provide in-house catering on occasion for members and their guests.
- (4) In addition on and off sales are requested to commence from 1100 hours on Sundays, which is in line with current HLB policy.
- (5) Lastly a seasonal variation is also requested in order to allow the premises to operate according to festive extensions approved by HLB.

- (6) It is the view of the LSO that none of these variations clashes with the 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 condition 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.

8.3 Specific conditions

The Board may wish to consider attaching the following specific conditions:

- On any occasion that the premises are open after 0100hrs, a designated person who is the holder of a personal licence shall be present on the premises until they close.
- On any occasion that the premises are open after 0100hrs, a person who is the holder of a current First Aid qualification shall be present on the premises until they close.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/specific conditions detailed at para(s). 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/1459
Date: 26 August 2021
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