

**The Highland Licensing Board**

**Meeting – 25 April 2022**

Agenda Item	<b>9.4</b>
Report No	<b>HLB/038/22</b>

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

**Tavern Restaurant, 72 High Street, Fort William, PH33 6AD**

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

**Summary**

This report relates to an application for a major variation of premises licence by SBM (Fort William) Ltd, 72 High Street, Fort William, PH33 6AD.

**1.0 Description of premises**

1.1 The Tavern is a cafe/restaurant type premises situated on Fort William High Street.

**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

**3.0 Summary of variation application**

**3.1 Variation sought**

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

1. Increase core on-sale hours on Sunday to 1100 hrs (previously 1230 hrs)
2. At Q5 of Operating Plan add outdoor drinking activity (within core hours)
3. Increase capacity from 50 persons to 66 persons
4. Increase footprint of licensed premises to include external eating and drinking area on pedestrianised area of Fort William High Street
5. Revise premises description to reflect addition of external drinking area.

## **4.0 Background**

- 4.1 On 26 January 2022 the Licensing Board received an application for a major variation of a premises licence from SBM (Fort William) Ltd.
- 4.2 The application was publicised during the period 12 March 2022 until 12 April 2022. Confirmation that the site notice has been displayed is awaited. The Clerk will provide a verbal update to the 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.
- 4.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

## **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:-

- The Tavern Bar/Restaurant is situated on the High Street in Fort William. During the Covid pandemic they expanded their capacity by establishing a small outside drinking area outside the premises on the High Street.
- The outside area ran for several weeks during the summer of 2021 without incident or complaint under the authority of occasional licences.
- The applicant now seeks to build this outside area into the operating plan as a permanent feature. It is the view of the LSO that this has been well tried and tested and will not clash with the licensing objectives. Accordingly, this feature has now been included in Section 5 of the operating plan. There has been a small uplift in the capacity of the premises and the description of the premises has been amended to take account of the expansion.
- In addition, core on sales hours are requested to commence from 1100 hours on Sundays, which complies with Board Policy.
- During the public consultation phase of this application no objections or representations have been received by HLB.

## **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:

- 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.

### **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 8.2 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/0478  
Date: 13 April 2022  
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