

The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	7.1
Report No	HLB/024/23

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

Papa Gs Restaurant, Loch Ness Highland Resort, Glendoe Road, Fort Augustus, PH32 4BG

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Papa Gs Restaurant, Loch Ness Highland Resort, Glendoe Road, Fort Augustus, PH32 4BG

1.0 Description of premises

1.1 The Papa Gs Restaurant is situated within the grounds of Loch Ness Highland Resort, Fort Augustus and consists of a detached restaurant with 120 covers.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1100 hours to 2300 hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 15 December 2022 the Licensing Board received an application for the grant of a premises licence from Robert MacBeth Girvan.

The application was accompanied by a Disabled Access Statement.

3.2 The application was publicised during the period 13 February until 6 March 2023 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 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

[Highland Licensing Board - Hearings](#)

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 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.
- 4.2 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 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:-

(i) Loch Ness Highland Resort is an extensive resort of detached lodges situated within the village of Fort Augustus.

(ii) Papa G restaurant is a detached restaurant with outside area situated centrally on the resort campus, selling both on and off sales. Ostensibly sales and service will be primarily for the customers of the Resort, however passing trade is not precluded. On sales will be by way of ordering from staff with drinks delivered to tables. Off sales will be primarily to residents of the Resort to take back to their lodges, with takeaway food supplied from the Premises.

(iii) The LSO has visited the site and provided advice and guidance in the compilation of the application. The application and operating plan is compliant with HLB policy and in the view of the LSO meets the standards of the 5 licensing objectives.

(iv) The necessary certificates relating to Planning, Building Control and Food Hygiene have accompanied the application as has a Disabled access statement.

(v) The LSO is satisfied that should the HLB wish to grant this application then there will be no threat to the licensing objectives.

(vi) Following the public consultation phase of this application no objections or representations have been made to HLB.

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

No local conditions are considered necessary.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

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/INBS/680
Date: 13 March 2023
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