

## The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	7.5
Report No	HLB/028/23

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

Ben Nevis Holiday Park, Camaghael, Fort William, PH33 7NF

#### 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 the Ben Nevis Holiday Park, Camaghael, Fort William, PH33 7NF.

#### 1.0 Description of premises

1.1 The premises is located within the Ben Nevis Holiday Park complex and comprises of a reception area with a small shop selling basic grocery, confectionary and household items and a small cafe which offers simple food such as toasties, pizzas, soup, tea and coffee.

There is a seating area within the café which caters for 40 covers and an outdoor seating area which provides seating for 46 persons. On sales will be offered within the Café and off-sales will be offered from a dedicated display but will be resourced from stock at the request of customers.

#### 2.0 Operating hours

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

##### On sales:

Monday to Sunday: 1100 hours to 2200 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 13 February 2023 the Licensing Board received an application for the grant of a premises licence from Highland Holidays Limited, 14 City Quay, Dundee, DD1 3JA.

The application was accompanied by a Disabled Access Statement.

3.2 The application was publicised during the period 23 February 2023 until 16 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:-

- An alcohol premises licence application has been received in respect of the Ben Nevis Holiday Park at Camaghael, Fort William.
- The premises is located within the Ben Nevis Holiday Park complex and comprises of a reception area with a small shop selling basic grocery, confectionary and household items and a small cafe which offers simple food such as toasties, pizzas, soup, tea and coffee. There is a seating area within the café which caters for 40 covers and an outdoor seating area which provides seating for 46 persons. On sales will be offered within the Café and off-sales will be offered from a display area within the shop. Off sales from the café will not be made from a dedicated display but will be resourced from stock at the customers request.
- The premises have been checked and are suitable for their intended use as described within the operating plan. Hours requested are within the policy hours of HLB and permitted off sales hours described within the Licensing (Scotland) Act 2005. The application in the opinion of the LSO is compliant with the 5 licensing objectives.

- Necessary section 50 certificates relating to Planning, Building Control and Food Hygiene have accompanied the application as has a Disability Access Statement.
- Although there is a substantial outside drinking area, as the conclusion of licensed hours is 10.00pm, it is not felt necessary by the LSO to separately condition the operation of the outside area.
- Following the public consultation phase of this application, no objections or representations have been received by Highland Licensing Board.

## **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/RSL/2046  
Date: 17 March 2023  
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