

The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	7.8
Report No	HLB/051/23

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

Lochview House, Heathercroft Road, Fort William, PH33 6EZ

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 Lochview House, Heathercroft Road, Fort William, PH33 6EZ.

1.0 Description of premises

1.1 Lochview House is a small guest house located in a residential area within the upper regions of Fort William. The premises comprises of six guest rooms (10 guests in total) and two self-catering apartments (4 guests in total) all contained within one building. The premises is of block-built construction under a slate roof with a glass surround outside seating terrace/outdoor drinking area which is accessed internally from the Garden room. Alcohol will be served on a residents only basis.

2.0 Operating hours

2.1 The applicant seeks the following **on sales** hours:

On sales:

Monday to Sunday: 1500 hours to 2200 hours

3.0 Background

3.1 On 16 March 2023 the Licensing Board received an application for the grant of a premises licence from Karen Dean.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.2 The application was publicised during the period 6 April 2023 until 27 April 2023 and confirmation that the site notice was displayed is awaited. The Clerk will provide a verbal update.

- 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.

Building Standards responded to the application seeking further information from the applicant in relation to the inclusion of the two self-catering units within the premises licence. The applicant has supplied further information and a response from building standards is awaited.

The Clerk will provide a verbal update at the meeting.

- 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:-

- The premises are a traditional built property of block and slate which operates as a Bed and Breakfast and also incorporates two self contained self catering units within.
- The application is for on-sales only and is to offer residents the opportunity to purchase and enjoy a social drink within the premises and on the external seating terrace of the property.
- The application is consistent with the Highland Licensing Board policy.
- The application is consistent with the five licensing objectives.
- The property has operated for many years in an unlicensed capacity and this is a step we are seeing more and more as owners try to offer something extra.
- There have been no objections received in respect of this application.
- I have been in dialogue with the applicant and have no objections to this application.

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/2051

Date: 28 April 2023

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