

The Highland Licensing Board

Meeting – 1 August 2023

Agenda Item	8.12
Report No	HLB/093/23

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

The Old Forge Public House, Inverie, Knoydart, By Mallaig, PH41 4PL

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Old Forge Community Benefit Society, The Old Forge Public House, Inverie, Knoydart, By Mallaig, PH41 4PL.

1.0	Description of premises
1.1	The premises is a solely occupied rural community public house serving food, (lunches, evening meals and all-day snacks) along with alcoholic and non-alcoholic beverages.
2.0	Summary of variation application
2.1	Variation sought
	The applicant seeks to vary the premises licence as follows:-
(1)	Increase footprint of licensed premises to include new snug area;
(2)	Update layout plan to take account of refurbishments undertaken within the premises including a new bar counter, reconfiguration of toilet layout and additional access points to licensed areas;
(3)	Add 'seasonal variation' to allow the premises to take advantage of the Board's festive policy;
(4)	Add 'music' and 'gaming' as an activity within operating plan to take place within core licensed hours;
(5)	Add 'outdoor drinking' as an activity within operating plan to take place within and outwith core licensed hours;
(6)	Update any other activities at 5(f) within operating plan as follows - "Quiz and game nights, themed parties, stag/hen nights, lectures/talks in quieter winter months and local fundraising events";

	(7)	Provide updated capacity breakdown, split between indoor and outdoor spaces (no increase to capacity of 80 persons);
	(8)	Update description of premises to reflect changes following refurbishment.
3.0	Background	
3.1	On 7 March 2023 the Licensing Board received an application for a major variation of a premises licence from The Old Forge Community Benefit Society.	
3.2	The application was publicised during the period 27 June 2023 until 18 July 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	<p>Further to this publication and consultation process, no timeous objections or representations have been received.</p> <p>Building Standards have, however, advised that renovation works are still being carried out on site. As the Building Warrant application includes an extension, the applicant may choose to apply for a temporary use to allow the building to be used until such time as the work is complete. This information has been passed to the applicant.</p>	
3.6	<p>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:</p> <p>www.highland.gov.uk/hlb_hearings</p>	
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.	
	<p>Relevant grounds of refusal may be: -</p> <ol style="list-style-type: none"> 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.
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	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.
4.4	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.
5.0	Licensing Standards Officer
5.1	The LSO has provided the following comments:-
	(1) The premises is a solely occupied, rural community public house serving food, snacks, alcoholic and non-alcoholic beverages.
	(2) The premises are a social hub for the community and visitors alike and the primary focus of business activity is food provision with on-sales.
	(3) The variation sought is to amend some wording in the operating plan, provide an outdoor seating area for the consumption of alcohol and extend the licensed footprint of the Old Forge itself.
	(4) The applicant is seeking to take advantage of any seasonal extensions granted by the Highland Licensing Board therefore an additional condition has been recommended at paragraph 7.2 below.
	(5) The application is within Highland Licensing Board policy.
	(6) The application is consistent with the licensing objectives.
	(7) The community has undertaken a considerable investment to enhance the offering to locals and visitors.

	(8)	There have been no objections to the application.
	(9)	I have no objections to this application.
	(10)	Following consultation with Police Scotland, it is recommended that a local condition be added to the premises licence to terminate outdoor drinking at 2300 hrs. The applicant supports this proposal.
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 Existing local conditions will continue to apply and it is recommended that the following additional local conditions be attached: (M) After 2300 hrs alcoholic or non-alcoholic drinks shall not be consumed in any outdoor area. (Q) 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.	

7.3 Special conditions

No special conditions are considered necessary.

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. 7.2 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/0285

Date: 19 July 2023

Author: Julie Traynor