

## The Highland Licensing Board

Meeting – 1 April 2025

Agenda Item	7.1
Report No	HLB/22/25

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

The Pizzeria, 17-19 High Street, Fort William, PH33 6DH

#### 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 Pizzeria, 17-19 High Street, Fort William, PH33 6DH.

#### 1.0 Description of premises

1.1 The Pizzeria is a restaurant situated on Fort William High Street.

The ground floor of the premises comprises of the front entrance; show kitchen with cooking facilities; a seating area with capacity for 25 guests and a servery counter which can be used by customers to order takeaway meals and drinks.

There is a stair access on the ground floor which leads to the basement level of the premises which comprises the store-rooms/kitchen, two bathrooms for use by customers and staff and a fire exit.

There is no bar counter within the premises.

#### 2.0 Operating hours

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

##### On sales:

Monday to Sunday: 1100 hours to 0100 hours

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

##### Off sales:

Monday to Sunday: 1100 hours to 2200 hours

### **3.0 Background**

- 3.1 On 24 February 2025 the Licensing Board received an application for the grant of a premises licence from Black Sheep Management Services Limited per Twin Deer Law, Lochaber Rural Complex, Fort William, PH33 6SQ.
- 3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Environmental Health together with a Disabled Access Statement.
- 3.3 The application was publicised during the period 25 February 2025 until 18 March 2025 and confirmation that the site notice was displayed has been received.
- 3.4 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.
- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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:

[www.highland.gov.uk/hlb\\_hearings](http://www.highland.gov.uk/hlb_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 of The Pizzeria is a small pizza restaurant and takeaway situated in High Street, Fort William.

- (i) Application has been made for a grant of premises licence to permit the sale of alcohol as follows: -

**On Sales:** Monday to Sunday: 1100 hours to 0100 hours

**Off sales:** Monday to Sunday: 1100 hours to 2200 hours

- (ii) The application is made on behalf of a small pizza restaurant and takeaway which will offer bottled beers for on and off sales as an accompaniment to a meal consumed on the premises or as part of a takeaway order. The business has successfully operated on occasional licences for a period of months whilst building up the trade and ensuring its viability whilst undergoing application for a premises licence.
- (iii) The LSO has visited the premises and can confirm in the view of the LSO the premises are suitable to sell alcohol as described within the operating plan and that the application and operating plan is compliant with HLB policy.

- (iv) A full set of Section 50 certificates has accompanied the application together with the required 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 2023-28
- (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**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the schedule of local conditions:

- (K) 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 Late Opening Conditions:**

The Board may wish to consider attaching the following special condition(s):

- (1) First Aid must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-
  - (a) the time at which the premises next close; and
  - (b) 0500 hours
- (2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day when the premises are open at 0100 hours) until whichever is the earlier of:-

(a) the time at which the premises next close; and

(b) 0500 hours or such other time as the Licensing Board may specify.

#### 7.4 Special conditions

The Board may wish to consider attaching the following special condition(s):

- Alcohol may only be sold or supplied on the premises to persons taking table meals for consumption by such a person as an accompaniment to a meal.
- Alcohol for consumption off the premises to which this licence refers may only be sold as an accompaniment to a meal ordered for consumption off the premises or sold and despatched pursuant to an order originating off the premises.

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/late opening and special conditions detailed at paras. 7.2, 7.3 and 7.4 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/2132  
Date: 19 March 2025  
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