

The Highland Licensing Board

Meeting – 14 May 2013

Agenda Item	8.2
Report No	HLB/049/13

Application for the provisional grant of a Premises Licence under the Licensing (Scotland) Act 2005

De Vita's Pizzeria and Café Bar, 97 High Street, Wick

Report by Clerk of the Licensing Board

Summary

This Report relates to an application for a provisional Premises Licence for De Vita's Pizzeria and Café Bar, 97 High Street, Wick, KW1 4LR.

1.0 Background

- 1.1 De Vita's Pizzeria and Café Bar is a small town centre pizzeria serving traditional Italian food and is situated over two floors. It has seating for 60 and alcohol will only be served to persons taking a meal on the premises.
- 1.2 On 13 March 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from Giuseppe De Vita.
- 1.3 The application was publicised during the period 27 March to 17 April 2013.
- 1.4 In accordance with standard procedure, Northern Constabulary, Highlands and Islands Fire and Rescue Service, the Council's Environmental Health, Planning and Building Standards were consulted on the application.

Notification was also sent to NHS Highland.

No objections or representations have been received from these agencies.

- 1.5 The applicant has been invited to attend the Hearing.

2.0 Legislation

- 2.1 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 may be: -

1. the premises are excluded premises;
2. the grant of the application will be inconsistent with one or more of the licensing objectives; 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, if the Board considers the premises are unsuitable for the sale of alcohol.

3. having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

3.0 Summary of Application

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

Sunday to Thursday: 1200 hrs to 2300 hrs
Friday and Saturday: 1200 hrs to 0100 hrs

4.0 Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board combined Equality Scheme

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

The applicant seeks a provisional licence for an existing small Pizzeria/Café Bar in Wick town centre.

The application is for hours within policy and all activities and services referred to in the operating plan are appropriate for this type of operation. The premises do not contain a bar counter although there will be a servery.

Alcohol will only be sold to persons taking a meal on the premises.

6.0 Conditions

6.1 Mandatory Conditions

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

6.2 Local Conditions

None to apply for these premises.

6.3 Special Conditions

Alcohol may only be sold or supplied on the premises to persons taking table meals.

Recommendation

The Board is invited to determine the above application and the proposed specific condition detailed in paragraph 6.3 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1658

Date: 29 April 2013

Background Papers: The Licensing (Scotland) Act 2005 / Application Form

Appendix: None