

The Highland Licensing Board

Meeting – 1 October 2013

Agenda Item	7.2
Report No	HLB/112/13

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

The Coffee Shop/Celtic Spirits Ltd, Cromartie Buildings, Strathpeffer, IV14 9DG

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a new premises licence HC/RSL/1677.

Premises: The Coffee Shop/Celtic Spirits Ltd, Cromartie Buildings, Strathpeffer, IV14 9DG.

Applicant: Michael Mackenzie

1.0 Description of Premises

The premises are a single room café with open space kitchen, toilet and storage facilities situated on the ground floor of a tenement building in the centre of the conservation village of Strathpeffer.

2.0 Background

2.1 On 16 July, 2013 the Licensing Board received an application for the new grant of a Premises Licence from the applicant, Michael Mackenzie.

2.2 The application was publicised during the period 29 July 2013 until 19 August 2013 and no objections or representations have been received.

2.3 In accordance with standard procedure, Northern Constabulary, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and to the local Community Council.

No objections or representations have been received in respect of the application.

3.0 Legislation

3.1 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.

3.2 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.

4.0 Summary of Application

On Sales:

Monday to Saturday 1100 hrs to 2300 hrs

Sunday 1200 hrs to 2300 hrs

Off Sales:

Monday to Sunday 1000 hrs to 2200 hrs

5.0 Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

6.0 Licensing Standards Officer's Comments

The premises are on the ground floor of a victorian tenement building in the centre of Strathpeffer. They comprise a single room café which has a serving counter. Ostensibly the Premises are food led but wish to offer a range of alcohol for patrons to complement food.

There is no designated bar counter and customers will place orders with waiters/waitresses who will then serve customers at the tables. A small outside drinking area is included in the licensed area and will be used mainly in the summer season. From the type of Premises and Operating Plan proposed and the situation of the Premises it is not thought necessary by the LSO to condition the operation of this out door area.

The Children and Young Persons policy section within the Operating Plan is seen as sufficient safeguard to the presence of Children and Young Persons on the premises. The Applicant has installed baby changing facilities for patrons.

The Premises have been visited by the LSO following submission of the application and they are finished to a high and professional standard and are suitable for the sale of alcohol.

The applicant has submitted the necessary Section 50 certificates in respect of Food Hygiene, Building Standards and Planning.

In addition to the running of the Café and the ancillary provision of on sales, the Applicant Michael Mackenzie seeks to offer a reasonable display of specialist malt whiskies for off sales to tourists. Malt whisky is an industry that Mr Mackenzie has worked in and he is able to speak and advise on the subject with expertise. The display area is seen as very reasonable by the LSO and certainly tourism is a key element in Strathpeffer's day to day business

The Applicant has obtained a Personal Licence and will perform the role of Premises Manager.

7.0 Local Conditions

None deemed necessary by the LSO.

Recommendation

The Board is invited to determine the above application.
--

Designation: Clerk of the Highland Licensing Board

Reference: HC/IRSL/1677

Date: 26 August 2013

Author: Catherine Maclennan/Ian Cox

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

Schedule of Local Conditions