

## The Highland Licensing Board

Meeting – 4 February 2014

Agenda Item	9.4
Report No	HLB/010/14

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

Café Sia, Ford Road, Broadford, Isle of Skye, IV49 9AB

#### Report by the Clerk of the Licensing Board

##### Summary

This Report relates to an application for a Premises Licence for Café Sia, Ford Road, Broadford, Isle of Skye, IV49 9AB.

#### 1.0 Background

- 1.1 Café Sia is a café restaurant situated in the village of Broadford with outside decking and benches, a vestibule area, servery, kitchen and toilets.
- 1.2 On 27 November 2013 the Licensing Board received an application for the grant of a Premises Licence from Café Sia Ltd.
- 1.3 The application was publicised during the period 2 December 2013 to 23 December 2013 and no objections or representations have been received.
- 1.4 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

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

No objections or representations have been received from these agencies.

#### 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:-

Monday to Sunday: 1100 to 0100

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

Monday to Sunday: 1100 to 2200

### **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 Strategy
- (iv) Schedule of Local Conditions

### **5.0 Licensing Standards Officer**

The LSO has provided the following comments:-

- the core hours applied for are within the policy hours of the Highland Licensing Board;
- the activities sought would appear to be reasonable and appropriate for the proposed operation;
- the children's policy is considered suitable for the proposed operation of the premises and is within the policy of the Highland Licensing Board;
- the layout plan submitted complies with the required specifications;
- there would not appear to be any matter contained within the application that is inconsistent with the licensing objectives and the premises would appear to be suitable for use for the sale of alcohol in accordance with the proposed application.

## **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**

If the application is approved, it is recommended that the following local conditions be attached:

- A) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.
- B) Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- C) Children must not sit or remain at the bar counter at any time.

#### **Recommendation**

The Board is invited to determine the above application and the proposed local conditions detailed at paragraph 6.2 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1687

Date: 9 January 2014

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