

The Highland Licensing Board

Meeting - 4 February 2014

Agenda Item	9.5
Report No	HLB/011/14

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

The Pier Café, Lochside, Lairg, IV27 4EG

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a Premises Licence in respect of The Pier Café, Lochside, Lairg, IV27 4EG.

1.0 Background

1.1 The Pier Café is situated at Lochside, Lairg and consists of a café/restaurant with an attached craft shop. The building is a free standing, solely occupied building adjacent to Little Loch Shin.

1.2 On 20 December 2013 the Licensing Board received an application for the grant of a Premises Licence from Catriona Corbett.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

1.3 The application was publicised during the period 24 December 2013 until 14 January 2014 and confirmation that the site notice was displayed has been received.

1.4 In accordance with standard procedure, Police Scotland, 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.

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

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: 1000 hours to 2400 hours

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

Monday to Sunday: 1000 hours to 2200 hours

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 Equality Strategy
- (iv) Schedule of Local Conditions

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

5.1 The applicant intends to operate a café and integral pottery showroom within a single storey detached building at Lochside Lairg.

5.2 The application is for both on and off-sales. There is no bar counter on the premises and on and off-sales will be dispensed from the café service counter. Alcohol for sale by off-sale will not be displayed in any area accessible to the public and no alcohol capacity is specified. Off-sales of

5.3 alcohol is unlikely to be a significant part of the operation of the business and will not be in conflict with the terms of the Highland Licensing Board overprovision policy statement.

5.4 The business will be a food-led operation with licensed hours commencing at 1000 hours in support of the tourist trade subject to a local condition.

The licensed hours applied for are within policy for a food-led operation with both on and off-sales and the activities or services to be provided are appropriate for such a business. A condition restricting the use of the outdoor drinking area after 2200 hrs would be appropriate because of the premises' relative proximity to residential properties.

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the Schedule of Local Conditions:-

- e. After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.
- f(2) Alcohol may be sold on the premises prior to 1100 hours only to persons taking table meals.
- 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.

6.3 Late Opening Local Conditions

The following shall apply on any occasion that the Premises are open after 0100 hrs.

- 1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs.

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

Recommendation

The Board is invited to determine the above application and the proposed local and late opening local conditions detailed at para(s). 6.2 above.

Designation: Clerk of the Highland Licensing Board
Reference: HC/CSER/1689
Date: 15 January 2014
Author: L Gunn
Background Papers: The Licensing (Scotland) Act 2005