

The Highland Licensing Board

Meeting – 13 May 2014

Agenda Item	6.2
Report No	HLB/057/14

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

Cote Du Nord, c/o The Schoolhouse, Kirtomy, Bettyhill, KW14 7TB

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a Premises Licence in respect of Cote Du Nord, c/o The Schoolhouse, Kirtomy, Bettyhill, KW14 7TB

1.0 Background

1.1 Cote Du Nord is a restaurant operating three evenings a week from the dining room at Schoolhouse, Kirtomy, Bettyhill.

1.2 On 26 March 2014 the Licensing Board received an application for the grant of a Premises Licence from Dr Christopher Duckham.

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 3 April 2014 until 24 April 2014 and confirmation that the site notice was displayed has been received. No objections or representations have been received.

1.4 In accordance with standard procedure, Police Scotland, Scottish 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:-

Wednesday, Friday and Saturday: 1900 hours to 2230 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 combined 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 an 8 cover small restaurant within the dining room of a private dwelling house at The Schoolhouse, Kirtomy, Bettyhill. The restaurant will only operate on 3 days per week.
- 5.2 The application is for on-sales only and there is no bar counter in any part of the premises.
- 5.3 The licensed hours applied for are within policy for on-sales premises and the sole services to be provided are restaurant facilities.
- 5.4 The sale of alcohol will be restricted to persons taking table meals on the premises.
- 5.5 I have no cause to object to the grant of this licence.

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

6.3 Special Condition

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.

Recommendation

The Board is invited to determine the above application and the proposed special condition detailed at para. 6.3 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1700

Date: 29 April 2014

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005