

## The Highland Licensing Board

Meeting – 17 June 2014

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|-------------|------------|
| Agenda Item | 9.2        |
| Report No   | HLB/076/14 |

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

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

##### Summary

**Ref: HC/INBS/562**

This Report relates to an application for the Provisional Grant of a Premises Licence for:

**Premises:** No.7 The Square, Grantown On Spey PH26 3HG

**Applicant:** Tyree Investments Ltd, 33 Dunfermline Business Centre, Izatt Avenue, Dunfermline KY11 3BZ per Lorna Murray, Solicitor, 45 Culduthel Road, Inverness IV2 4HQ

#### 1.0 Background

1.1 The premises form a part of premises previously licensed as an hotel. The current application is for a Restaurant on the ground floor of a building in a central location within Grantown on Spey with residential flats on the upper floor.

1.2 On 28 April 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant's agent: Lorna Murray, 45 Culduthel Road, Inverness IV2 4HQ

The application was accompanied by the necessary Section 50 Certification in terms of Planning, and the statutory fee.

1.3 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (5 May 2014 to 26 May 2014). Confirmation of display of the Site Notice has been received.

1.4 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), and Planning and Building Standards were consulted on the application.

Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.

Notice of the application has been sent to all the people listed under S21(1) of the Act.

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 ground 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,
3. that 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.
4. that having regard to the number and capacity of licenced 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.

## **3. Summary of Application**

**On Sales:** Monday to Sunday 09.00 hrs to 23.00 hrs

## **4. Policies**

The following policies are relevant to the application:  
Highland Licensing Board Policy Hours  
Highland Licensing Board Policy Statement  
The Highland Licensing Board combined Equality Scheme  
Schedule of Local Conditions

## **5 Licensing Standards Officer's Comments:**

The Premises in question occupy the ground floor of the former Tiree Hotel, Grantown on Spey.

As a Provisional Grant application the necessary Section 50 Certificate in respect of Planning has been submitted.

Whilst the former Premises were a Hotel, on this occasion the Premises are described as a Restaurant and as part of the modernisation of the infrastructure the former Bar counter has been demolished so in effect there is no bar facility, solely a dining area. The core hours of the Premises are requested to be 09.00hrs to 23.00hrs which is in line with the Highland Board's early opening policy in respect of food led operations. Accordingly a specific condition has been suggested, permitting alcohol provision solely as ancillary to persons taking table meals.

The Children's policy seeks to allow children over 12 years on the Premises unaccompanied until 21.00hrs in line with management discretion. This is seen by the LSO as reasonable in that the environment is food led and will allow teenagers to purchase foodstuffs and soft beverages in surroundings where there is no threat to their safety.

## **6 Local Conditions**

The following Local Conditions are recommended by the LSO for attaching to this Licence if the Board are minded to grant:

### **6.1 Specific Condition**

Alcohol shall only be sold and supplied to persons partaking of table meals on the Premises.

## **7 Mandatory Conditions**

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

## **8 Recommendation**

The Board are invited to determine the application and the proposed Local Condition detailed at para. 6 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.562

Author: Wendy Grosvenor

Date: 06/03/2014.

Background Papers: The Licensing (Scotland) Act 2005.