

The Highland Licensing Board

Meeting – 17 June 2014

Agenda Item	11.1
Report No	HLB/083/14

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

The Bridge Café (former Little Chef Building), Spean Bridge, PH34 4EP

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a Provisional Premises Licence in respect of The Bridge Café, Spean Bridge, PH34 4EP.

1.0 Background

1.1 The Bridge Cafe is a single storey building situated adjacent to the A82 within the village of Spean Bridge and consists of a Restaurant/Café area with a bar/servery counter and toilet facilities.

The counter within the café/restaurant will operate as a servery until 1700 hours and thereafter revert to a bar counter for operational purposes.

The premises are set in their own grounds with neighbouring properties on either side.

1.2 On 6 May 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from John H Fraser.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

1.3 The application was publicised during the period 9 May to 30 May 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 Community 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: 1100 hours to 2345 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:-

- The hours applied for are within policy and all activities referred to in the operating plan would appear to be reasonable and appropriate for this type of operation;
- The Children's Policy is considered suitable and is within the policy of the Highland Licensing Board;
- The layout plan submitted with the application complies with the required specifications;
- The premises would appear to be suitable for use for the sale of alcohol in accordance with the proposed application;
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

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:-

- 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. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

6.3 **Specific Condition(s)**

It is not considered necessary to attach any specific conditions.

Recommendation

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

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1706

Date: 3 June 2014

Author: AHM:ET/JT

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