

The Highland Licensing Board

Meeting – 12 August 2014

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| Agenda Item | 9.3 |
| Report No | HLB/091/14 |

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

Café Sixty Six Ltd, 66 High Street, Alness

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for the grant of a Premises Licence in respect of Café Sixty Six Ltd, 66 High Street, Alness.

1.0 Background

- 1.1 The café is situated in a single storey building on Alness High Street with seating for 40 people.
- 1.2 On 4 July 2014 the Licensing Board received an application for the grant of a Premises Licence from Bruce K Graham.
- 1.3 The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.
- 1.4 The application was publicised during the period 7 to 28 July 2014. I am awaiting confirmation that the site notice has been displayed.
- 1.5 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's Environmental Health, Planning and Building Standards Sections were consulted on the application.
- 1.6 Notification of the application was also sent to NHS Highland and to the local Community Council.
- 1.7 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 From 1100 hrs to 2300 hrs

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 currently operates a 40 cover café on High Street, Alness and has identified a demand for on-sales of alcohol.

5.2 The application is for on-sales only. There is no bar counter on the premises and sales of alcohol will be by table service.

5.3 While the operation is predominantly food-led, sales of alcohol will not be restricted to persons taking a meal on the premises.

5.4 Unaccompanied children aged 12 years and over will be permitted on the premises until 2000 hrs after which they will require to be accompanied by an adult. Children under 12 years of age must be accompanied by an adult at all times. There are no restrictions on young persons being on the premises.

5.5 The licensed hours applied for are within policy and the activities or services to be provided are appropriate for the specified operation.

5.6 I am satisfied that the applicant has given due consideration to 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

None to apply

Recommendation

The Board is invited to determine the above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1710

Date: 29 July 2014

Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005