

The Highland Licensing Board

Meeting – 12 August 2014

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| Agenda Item | 10.1 |
| Report No | HLB/092/14 |

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/564

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

Premises: The Wee Puffin, 15 High Street, Grantown on Spey PH26 3EG

Applicant: Paul Giles Richard Sandiford, 24 Dulaig Court, Grantown on Spey, PH26 3QQ per Lorna Murray, Solicitor, 45 Culduthel Road, Inverness IV2 4HQ

1.0 Background

1.1 The premises form a restaurant on the ground and basement floors of a terraced building in a central location within Grantown on Spey with a residential flat on the upper floor. The application is for On Sales.

1.2 On 20 June 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 (30 June 2014 to 21 July 2014). Confirmation of 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 and 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 10.00 hrs to 24.00 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:

This application relates to the application for the Provisional Grant of an Alcohol Premises Licence for a small restaurant situated on the High Street of Grantown on Spey.

The Premises are very much a food led operation with alcohol only being offered to persons taking table meals on the Premises. There is no bar counter but solely a servery area where drinks are prepared and then taken to customers by staff.

The application is within the Licensing Board's Policy Hours for food led operations. The necessary Section 50 certificate has been furnished in respect of Planning.

The Children and Young Persons Policy is seen as compliant by the LSO with the fifth Licensing Objective. The environment is such that there is no harm anticipated to teenagers being present unaccompanied for the majority of the trading day in order to partake of food and no alcoholic beverages.

6 Local Conditions

There are no Local Conditions proposed as no bar counter is present on the Premises.

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 specific Condition detailed at para. 6 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.564

Author: Wendy Grosvenor

Date: 23/06/2014.

Background Papers: The Licensing (Scotland) Act 2005.