

The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	7.1
Report No	HLB/114/14

Application for the new grant of a premises licence under the Licensing (Scotland) Act 2005

Report by Clerk of the Licensing Board

Summary

Ref: HC/INBS/566

This report relates to an application for the new grant of a premises licence for:

Premises: Café V8, 12 Henderson Road, Longman Industrial Estate, Inverness IV1 1SN

Applicant: David John MacDougall, 10 Dochfour Drive, Dalneigh, Inverness IV3 5EE

1.0 Background

1.1 The application is for on-sales with table meals only.

Café V8 is a single storey building with its own car and lorry park on the Longman industrial site. There is a large area inclusive of a conservatory for table dining with waitress service. There is a separate counter for takeaway meals. There are on-site toilet facilities including a disabled toilet. There is an outside drinking area.

1.2 On 23 July 2014 the Licensing Board received an application for the new grant of a Premises Licence from the applicant, David John MacDougall.

The application was accompanied by three Section 50 Certificates in terms of Planning, Building Standards and Food Hygiene, 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 (4 August 2014 to 25 August 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.

There is no Community Council formed for Central.

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, 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 Thursday 11.00 hrs. to 22.00 hrs.

Friday and Saturday 11.00 hrs. to 24.00 hrs.

Sunday: 11.00 hrs. to 21.00 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 concerned are a purpose built café situated within the Longman industrial estate, Inverness. The premises comprise a takeaway food counter, a seated restaurant with waitress service and a decking area on which is sited a wooden barbeque hut available for private bookings.

The café has its own car and lorry park and has shower and wash room facilities for use by truck drivers staying overnight.

Alcohol will be sold purely for on sales and will be available by waitress service within the restaurant and the outside decking area inclusive of the barbeque hut.

The premises have been inspected by the LSO and is suitable for the sale of alcohol. Prior to the Board meeting the applicant has been the recipient of several occasional licences all of which have been discharged without undue incident.

The necessary Section 50 Certificates have accompanied the application and the hours of operation requested are within the policy hours operated by the Highland Licensing Board.

The children and young persons' policy is seen as adequate to ensure their protection from harm as per the fifth Licensing Objective.

The LSO is of the opinion that should the Board be minded to grant this application there would be no adverse issues as respects the Licensing Objectives. The applicant when interviewed by the LSO has demonstrated a sound grasp of the licensing legislation.

6 Local Conditions

The following local Licensing Conditions are recommended;

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. Objective 5.

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. Objective 5.

c) Notwithstanding condition (b) children must not sit or remain at the bar counter at any time. Objective 5.

6.1 Specific Condition

None.

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 local conditions recommended at paragraph 6.

If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.566

Author: Wendy Grosvenor

Date: 5th August 2014.

Background Papers: The Licensing (Scotland) Act 2005.