

The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	8.1
Report No	HLB/115/14

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

Report by Clerk of the Licensing Board

Summary

Ref: HC/INBS/567

This report relates to an application for the provisional grant of a premises Licence for:

Premises: Giraffe, 1A Eastfield Way, Inverness Business and Retail Park, Inverness IV2 7GD

Applicant: Giraffe Concepts Limited, Armitage House, Delamare Road, Cheshunt, Hertfordshire EN8 9SL per Hill Brown Licensing Glasgow

1.0 Background

1.1 The premises is a family restaurant with a take away facility, situated within the Inverness retail park adjacent to the Tesco Extra store, one part being an enclosed unit and one part being open to the retail park with appropriate barriers.

1.2 On 30 July 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant's agent, Hill Brown Licensing, Glasgow.

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 (11 August to 1 September 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 a notification has been sent Smithton and Culloden 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 11.00 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:

Application has been made for a provisional grant of a premises licence for a bespoke restaurant adjacent to the Tesco Superstore at Eastfield Way, Inverness.

The necessary Section 50 Certificate in respect of planning has been submitted. From the detailed drawings submitted the premises look to be suitable for the sale of alcohol. Alcohol sales will be by waitress service to table diners.

The core hours applied for are within the policy hours stipulated by the Highland Licensing Board. The children and young persons' policy is seen by the LSO as adequate to ensure their safety on the Premises.

6 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.
Objective 5
- c). 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.567

Author: Wendy Grosvenor

Date: 5th August 2014.

Background Papers: The Licensing (Scotland) Act 2005.