

**The Highland Licensing Board**

**Meeting – 4 November 2014**

Agenda Item	<b>7.4</b>
Report No	<b>HLB/141/14</b>

**Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005**

**Jac-o-bite Restaurant, Ault-a-Chruinn, Glenshiel, Kyle of Lochalsh, IV40 8HN**

**Report by the Clerk to the Licensing Board**

**Summary**

This Report relates to an application for a major variation of a Premises Licence by Jacqueline Fraser.

**1.0 Description of Premises**

The premises are a small restaurant with a maximum of 36 covers and is adjacent to the A87 at the base of the Five Sisters at the head of Loch Duich.

**2.0 Current Operating Hours**

**On Sales:**

Monday to Saturday: 1100 hours to 2300 hours  
Sunday: 1200 hours to 2300 hours

**3.0 Summary of Variation Application**

3.1 The applicant seeks to vary the premises licence as follows:-

- (1) Remove specific condition for flexibility to allow alcohol to be sold without a meal.
- (2) Increase core opening hour on Sunday from 1200 hours to 1100 hours.
- (3) Increase core terminal hour on Monday to Sunday from 2300 hours to 0100 hours.
- (4) Remove Seasonal Variation.
- (5) Inclusion of club or group meetings, live performances, dance facilities and outdoor drinking facilities within the activities.

- (6) Outdoor drinking facilities outwith core hours – provision of morning tea, coffee, breakfast.
- (7) Other activities – to permit the bar servery to be used as a bar counter when functions are taking place.
- (8) Children’s Policy – Children and young persons will be permitted entry when accompanied by an adult.

#### **4.0 Background**

- 4.1 On 12 September 2014 the Licensing Board received an application for a major variation of a Premises Licence from Jacqueline Fraser.
- 4.2 The application was publicised during the period 18 September 2014 and 9 October 2014 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council’s Community Services (Environmental Health), Planning, Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 No notices of objection to the application or representations have been received.

#### **5.0 Legislation**

- 5.1 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 grant of the application will be inconsistent with one or more of the licensing objectives;
- 2. having regard to; (i) the nature of the activities carried on or 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 use for the sale of alcohol in accordance with the proposed variation;
- 3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

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.

## **6.0 Licensing Standards Officer**

The LSO has provided the following comments:-

- The increase in core hours applied for is within the policy hours of the Highland Licensing Board.
- The additional activities sought are reasonable and appropriate for the type of operation.
- The premises are considered to be a suitable environment for children and young persons and the proposed amendment to the children's policy is in line with the policy of the Highland Licensing Board.
- The layout plan submitted complies with the required specifications.
- The description of the premises has been updated to reflect the proposed variation.
- The premises are considered suitable for use for the sale of alcohol in accordance with the proposed variation.
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

## **7.0 HLB Local Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Statement 2013-16
- (ii) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory Conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

## 8.2 Local Conditions

There are no existing local conditions and none is considered necessary.

### **Recommendation**

The Board is invited to determine the above application.

If the Board are minded to refuse 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.

Reference: HC/RSL/1278

Date: 13 October 2014

Author: AHM/cn

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