

## The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	7.1
Report No	HLB/044/15

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

The Cottage Restaurant, 1 Bosville Terrace, Portree, Isle of Skye, IV51 9DG

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for the provisional grant of a Premises Licence in respect of The Cottage Restaurant, 1 Bosville Terrace, Portree, Isle of Skye, IV51 9DG.

#### 1.0 Description of Premises

1.1 The Cottage Restaurant is a one and a half storey semi-detached cottage comprising of a restaurant area on the ground floor and upper floor. The ground floor has kitchen and toilet facilities and there is an eating and drinking outdoor area to the side of the premises.

#### 2.0 Operating Hours

2.1 The applicant seeks the following **on sale** hours:

Monday to Sunday: 1100 hours to 0100 hours

#### 3.0 Background

3.1 On 27 March 2015 the Licensing Board received an application for the provisional grant of a Premises Licence from Edward Tweedie.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

3.2 The application was publicised during the period 31 March 2015 until 21 April 2015 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.

3.4 Notification of the application was also sent to NHS Highland and the local Community Council.

- 3.5 Further to this publication and consultation process, the following timeous notice of objection has been received and is appended:

Letter dated 20 April 2015 from James Catoe.

- 3.6 The applicant and the objector have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

[http://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **4.0 Legislation**

- 4.1 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 are: -

1. that the premises are excluded premises;
  2. that the grant of the application would 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 use for the sale of alcohol, or
  4. that 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 overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

- (i) The core hours applied for are within the policy of the Highland Licensing Board.
- (ii) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (iii) The applicant has stated within his proposed operating plan that the outside drinking area will not be used after 2200 hours
- (iv) There is no bar counter within the premises and the children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- (v) The layout plan submitted complies with the required specifications.
- (vi) There would not appear to be any matter contained within the application that is inconsistent with the Licensing Objectives.

## **6.0 HLB Local Policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

## **7.0 Conditions**

### **7.1 Mandatory Conditions**

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

### **7.2 Local Conditions**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the Schedule of Local Conditions:

- (E) After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.

### **7.3 Special Conditions**

No special conditions are considered necessary.

**Recommendation**

The Board is invited to determine the above application.

If the Board is 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.

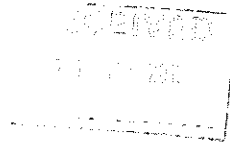
Reference: HC/RSL/1734

Date: 22 April 2015

Author: AHM/cn

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

Appendix: Objection dated 20 April 2015 from James Catoe.



1 Mill Road

Portree

IV51 9DQ

20/04/15

Highland Council Reference: HC/RSL/1734

Licensing Application for "The Cottage Restaurant"

Dear Mr MacKenzie,

In response to your neighbour notification letter dated 27.03.15, I am logging my objection to the application referenced above. These are on the following grounds related to your letter.

No 4. Activities/Conditions of Premises/Customers

- Intention is for a restaurant serving food. There is hence no requirement for an alcohol licence to be from 11am-1am.
- A licence until 1am will attract people that have already consumed alcohol for the sole reason to consume more. This will cause disturbance and nuisance to neighbours local residents and their guests.

No 5. Over provision

- There are already a significant number of late licenced premises in the centre of Portree. I feel we do not need another one, especially in a mainly residential area.

I wholeheartedly support the project to turn 1 Bosville Terrace into a restaurant, however I object to the application to sell alcohol until 1 am. I would suggest that this should be revised to 11am -11pm Monday to Saturday and 12pm to 10pm on a Sunday. I also suggest a table lince

I thank you for taking the time for considering my objections,

James Catoë.