

The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	8.2
Report No	HLB/047/15

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

Jasmine Tandoori Restaurant, 134 High Street, Wick

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 Jasmine Tandoori Restaurant, 134 High Street, Wick.

1.0 Description of Premises

1.1 The Jasmine Tandoori Restaurant is situated in Wick town centre and consists of a restaurant with takeaway facilities.

2.0 Operating Hours

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

On sales:

Monday to Sunday: 1630 hrs to 0100 hrs the following day

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1630 hrs to 2200 hrs

3.0 Background

3.1 On 5 March 2015 the Licensing Board received an application for the provisional grant of a Premises Licence from Aborak Ali.

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

3.2 The application was publicised during the period 20 March to 10 April 2015 and confirmation is awaited that the site notice was displayed during this time.

- 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, no timeous objections or representations have been received.
- 3.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

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:-
- 5.2 The applicant is an experienced restaurateur who has recently re-opened a former licensed restaurant at 134 High Street, Wick and seeks a premises licence to sell alcohol by on and off-sales in conjunction with its operation as a 55 cover full restaurant with takeaway facilities.
- 5.3 The application is for hours within policy and all activities and services referred to in the operating plan are appropriate for this type of operation. The premises do not contain a bar counter although there is a servery for use by customers obtaining takeaway meals and by staff serving tables.
- 5.4 The off-sales element of the operating plan is intended to allow customers ordering a takeaway meal to purchase alcohol for consumption off the premises. Customers waiting for their takeaway meal would also be permitted to purchase alcohol for consumption on the premises however there would be expected to be limited demand for that service.
- 5.5 The proposed terms of entry for children and young persons allow for unaccompanied children to be on the premises only for the purposes of ordering or collecting a takeaway meal. In all other circumstances children must be accompanied by a suitable responsible adult. Unaccompanied young persons, may be permitted at the discretion of the management.
- 5.6 The applicant has now stated that he will not proceed with a home delivery service and asks that that element be removed from the application.

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

None to apply for these premises.

Recommendation

The Board is invited to determine the above application.

Reference: HC/CSER/1733

Date: 28 April 2015

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