

The Highland Licensing Board

Meeting – 16 June 2015

Agenda Item	10.1
Report No	HLB/061/15

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

Café Eighty 2, Lewiston, Drumnadrochit IV63 6UL

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the grant of a Premises Licence in respect of Café Eighty 2, Lewiston, Drumnadrochit IV63 6UL.

1.0 Description of Premises

1.1 The cafe is a detached building on the A82 road at Drumnadrochit. There is a restaurant area which seats 28 persons and an outside area where customers can take food and beverages. All alcohol will be served to tables.

2.0 Operating Hours

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

On sales:

Monday to Friday: 11.00 hours to 01.00 hours

Saturday: 11.00 hours to 24.00 hours

Sunday: 12.00 hours to 24.00 hours

3.0 Background

3.1 On 6 May 2015 the Licensing Board received an application for the grant of a Premises Licence from The Partnership of Cafe Eighty 2, Lewiston, Drumnadrochit, IV63 6UL.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 11 May 2015 until 01 June 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 (Glenurquhart).
- 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 This is an application for an alcohol premises licence for the former licensed premises of the Poachers Inn, Drumnadrochit. The premises have been viewed by the LSO and are suitable for the sale of alcohol.

The application is within Board Policy Hours and the necessary Section 50 Certificates have accompanied the application.

The premises are primarily food led and as such have made allowance within their Children and Young Persons section of the operating plan to allow children aged 12-15years to enter unaccompanied to purchase foodstuffs and soft drinks until 18.00hrs after which time they require to be accompanied. Young persons require to be accompanied by an adult from 21.00hrs. Children under 12 years require adult supervision at all times. The LSO is of the opinion that this is suitable in relation to the type of operation offered by the premises and will safeguard the safety of children and young persons.

The premises have an outside drinking area. The LSO is aware of the location of the premises in respect of noise sensitive premises and in view of the type of operation proposed the LSO would not propose a time limit on its operation as disturbance is unlikely to be caused.

The operating plan in the view of the LSO poses no threat to 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 conditions (a, b and c) from the Schedule of Local Conditions:

- a. Children under the age of 16 are excluded from any room where there is a bar counter/servery 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 room 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.
- b. Whilst in any room with a bar counter/servery 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.
- c. Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter/servery at any time.

7.3 Special Conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application to agree the proposed local conditions detailed at 7.2 above.

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/INBS/290

Date: 2 June 2015

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