

## The Highland Licensing Board

Meeting – 16 June 2015

Agenda Item	10.3
Report No	HLB/063/15

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

Pride of Bengal, 53 Princes Street, Thurso

#### 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 Pride of Bengal, 53 Princes Street, Thurso.

#### 1.0 Description of Premises

1.1 The Pride of Bengal is a restaurant with separate takeaway area in Thurso town centre.

#### 2.0 Operating Hours

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

**On sales:**

Monday to Sunday: 1200 hrs to 0100 hrs the following day

#### 3.0 Background

3.1 On 28 April 2015 the Licensing Board received an application for the grant of a Premises Licence from Zakir Hossain.

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

3.3 The application was publicised during the period 8 to 29 May 2015 and confirmation is awaited that the site notice was displayed during this time.

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

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

- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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](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 a restaurateur who has recently re-opened a former un-licensed restaurant at 53 Princes Street, Thurso and seeks a premises licence to sell alcohol by on-sales in conjunction with its operation as a 50 cover full restaurant with takeaway facilities.

- 5.3 Alcohol may be sold only to persons taking meals on the premises or by customers waiting to collect a takeaway meal.
- 5.4 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.
- 5.5 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 but after 2100 hrs must be accompanied by a responsible adult.

## **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.

### **7.3 Specific Condition**

1. Alcohol may only be sold or supplied on the premises to persons taking a table meal or to persons on the premises to collect a takeaway meal.

## **Recommendation**

The Board is invited to determine the above application.

Reference: HC/CSER/1737  
Date: 1 June 2015  
Author: G Sutherland  
Background Papers: The Licensing (Scotland) Act 2005/Application Form