

The Highland Licensing Board

Meeting – 3 November 2015

Agenda Item	6.1
Report No	HLB/112/15

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

The Central Restaurant, Bayfield Road, Portree, Isle of Skye, IV51 9EL

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence by Margaret Ann Jagger.

1.0 Description of Premises

1.1 The Central Restaurant is situated within the town of Portree on the first floor of a gable end building. The Restaurant consists of a main dining area (38 covers), kitchen and toilet facilities.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 2130 hours
Sunday: 1200 hours to 2130 hours

3.0 Summary of Variation Application

3.1 Variation Sought

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

- (1) Remove condition in relation to alcohol being sold ancillary to a meal;
- (2) Increased core hours to commence from 1100 hours on Sundays;
- (3) Increase terminal hour to 2300 hours on Mondays to Sundays;
- (4) Remove seasonal variation to permit premises to remain open all year;
- (5) Include live performances as an activity;
- (6) Amend children's policy to permit children unaccompanied until 1800 hours.

4.0 Background

- 4.1 On 26 August 2015 the Licensing Board received an application for a major variation of a premises licence from Margaret Anne Jagger.
- 4.2 The application was publicised during the period 3 September 2015 until 24 September 2015 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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

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 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 overprovision 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 relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) The increase in core hours applied for is within the policy hours of the Highland Licensing Board.
- (ii) The additional activity of live performances sought is considered to be reasonable and appropriate for the type of operation.
- (iii) 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. There is no bar counter within the premises.
- (iv) The premises are considered suitable for use for the sale of alcohol in accordance with the proposed variation.
- (v) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) 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 it is not considered necessary to attach any.

8.3 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/0785

Date: 5 October 2015

Author: AHM/cn

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