

The Highland Licensing Board

Meeting – 8 December 2015

Agenda Item	7.1
Report No	HLB/121/15

Application for the grant of a provisional premises licence under the Licensing (Scotland) Act 2005

Platform 1864, Station Road, Tain

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the grant of a provisional premises licence in respect of Platform 1864, Station Road, Tain.

1.0 Description of Premises

1.1 The premises will operate as a restaurant/bistro café bar offering appropriate services and activities including a covered outdoor drinking area adjoining the platform and a small tourist information and retail area located in a former railway station building at Tain Railway Station.

2.0 Operating Hours

2.1 The applicant seeks the following **on-sales** and **off-sales** hours:

On sales:

Monday to Sunday: 1100 hrs to 0100 hrs the following day

Off-sales:

Monday to Sunday 1100 hrs to 2200 hrs

3.0 Background

3.1 On 30 October 2015 the Licensing Board received an application for the grant of a provisional premises licence from Graham Rooney.

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

3.3 The application was publicised during the period 2 to 23 November 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

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 intends to operate a café bar / bistro and restaurant offering appropriate services and activities including a covered outdoor drinking area adjoining the platform and a small tourist information and retail area located in a former railway station building at Tain Railway Station.

- 5.3 The application is for on and off-sales with a seasonal variation to take advantage of any additional hours agreed by the Board for festive periods. A bar counter is located within the café bar / bistro area. Alcohol for off-sales will not be on display but dispensed from the stockroom and no material promoting alcohol will be displayed in the small retail area.
- 5.4 The licensed hours applied for are within policy for on and off-sales premises and the activities or services to be provided are appropriate for such a business. The sale of alcohol will not be restricted to persons taking meals on the premises.
- 5.5 There are no residential properties in close proximity and it is not considered necessary to impose any condition restricting the use of the outdoor drinking area.
- 5.6 Unaccompanied children may be permitted to make use of the services and activities within the restaurant areas until 1800 hrs after which they must be accompanied by an appropriate responsible adult. Unaccompanied young persons may be permitted at any time.
- 5.7 I have no cause to object to the grant of this licence.

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

- a. Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hrs 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 bar 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 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 at any time.

- q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

7.3 **Special Local Condition**

1. All children must be in the company of, or supervised by, an appropriate responsible adult after 1800 hrs.

7.4 **Late Opening Premises Conditions**

The following shall apply on any occasion that the Premises are open after 0100 hrs.

1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs.

2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-

- (a) the time at which the premises next close; and
- (b) 0500 hrs.

Recommendation

The Board is invited to determine the above application.

Reference: HC/CSER/1750
Date: 23 November 2015
Author: G Sutherland
Background Papers: The Licensing (Scotland) Act 2005/Application Form