

The Highland Licensing Board

Meeting – 8 December 2015

Agenda Item	7.3
Report No	HLB/123/15

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

Ness Deli, The Green, Drumnadrochit, IV63 6TX

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 Ness Deli, The Green, Drumnadrochit IV63 6TX by the partnership of James Dunbar and Lynn Dunbar, Tigh na moulinn, Kiltarlity, Beauly IV4 7HG.

1.0 Description of Premises

1.1 The Ness Deli is located at The Green, Drumnadrochit and consists of a café and deli situated in a detached single storey building in the village centre. The café includes an outdoor seating area which offers outdoor dining. The café will offer a range of hot and cold drinks including alcoholic beverages and a café menu. The deli will offer the sale of hot and cold food and drink including alcoholic beverages to be consumed both on and off the premises.

2.0 Operating Hours

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

On sales:

Monday to Sunday: 0900 hours to 2300 hours.

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 28 October 2015 the Licensing Board received an application for the provisional grant of a premises licence from the partnership of James Dunbar and Lynn Dunbar, Tigh na moulinn, Kiltarlity, Beauly IV4 7HG.

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

- 3.2 The application was publicised during the period 02 November until 23 November 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 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 The LSO has provided the following comments:-

A provisional premises licence application was submitted for these premises which are situated in the centre of Drumnadrochit adjacent to the main A82 road.

The premises are described as a café and delicatessen. Opening hours are requested from 09.00 for the sale of alcohol. The applicant has confirmed that the premises are a food led operation where the sale of alcohol is an ancillary service to the provision of food. As such this will be in line with the current Board policy and the premises are eligible for early hours opening. Their duration of trading is within the 14 hours continuous trading range specified by the Board.

Food-led operations :

These are premises at which the sale of alcohol is ancillary to the provision of food and is only sold to persons taking table meals. Early opening from 0900 hours will be permitted provided that on any one day the terminal hour is such that the continuous period during which alcohol may be sold does not exceed 14 hours.

The applicants have submitted an operating plan which in the view of the LSO meets all the licensing objectives. The necessary Section 50 certificate in relation to planning has been submitted and lay-out plans are competent and sufficient.

The LSO is of the opinion that should the Board be minded to grant this application there will be 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 condition(s) from the Schedule of Local Conditions:

No local conditions are recommended.

7.3 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/INBS/584

Date: 24 November 2015

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