

The Highland Licensing Board

Meeting – 2 February 2016

Agenda Item	6.2
Report No	HLB/010/16

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

Carrbridge Kitchen, Main Street, Carrbridge, PH23 3AS

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 Carrbridge Kitchen, Main Street, Carrbridge, PH23 3AS by Catherine (Kate) Clark, The Old Schoolhouse, Duthil, Carrbridge PH23 3NA.

1.0 Description of Premises

1.1 Carrbridge Kitchen is a restaurant/bistro/cafe adjacent to the Main Road. Meals and alcohol provision will be by waiter service. The restaurant encompasses 45 covers and outside seating for 8. There is a servery/kitchen and toilet facilities. Disabled and baby change facilities are available.

2.0 Operating Hours

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

On sales:

Monday to Sunday: 1100 hours to 2400 hours

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

Off sales:

Monday to Sunday: 1100 hours to 2200 hours

3.0 Background

3.1 On 27 November 2015 the Licensing Board received an application for the grant of a premises licence from Catherine (Kate) Clark, The Old Schoolhouse, Duthil, Carrbridge PH23 3NA.

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 7 December until 28 December 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, Carrbridge.
- 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 full licensing application has been received in respect of the Carrbridge Kitchen which is a bistro serving food and beverages to customers by way of table service. Whilst there is a service counter, it is not a bar.

The applicant has submitted three Section 50 Certificates with the application. The hours requested are within the policy hours currently operated by the Highland Licensing Board.

The premises have been visited by the LSO and the operating plan submitted with the application complies with the licensing objectives.

Alcohol will be very much an ancillary item which will complement the sale of food. The operation of the outside drinking area is likely to be a seasonal issue and has been limited to a maximum operating hour of 2300 hours as this is a mixed commercial and residential area.

It is the LSO's recommendation to the Board that should they be minded to grant the application there is no perceived adverse issue in respect of 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:

- (e) After 2300 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area.
- (l) The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.
- (m) The licence holder shall ensure that all outdoor tables covered by a Pavement Permit are regularly cleared of all used glassware and crockery.

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/585

Date: 8 January 2016

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