

## The Highland Licensing Board

Meeting – 10 May 2016

Agenda Item	8.1
Report No	HLB/038/16

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

19 Young Street, Inverness IV3 5BL

### Report by the Depute Clerk to the Licensing Board

#### Summary

This report relates to an application for the provisional grant of a premises licence in respect of 19 Young Street, Inverness IV3 5BL per Yuk Ting Cheng, 86 Boswell Road, Inverness IV2 3EW and Lorna Murray 45 Culduthel Road, Inverness IV2 4HQ

#### 1.0 Description of premises

1.1 The premises is situated 19 Young Street, Inverness and consists of a restaurant and takeaway on the ground floor of a tenement building in a mixed residential and commercial area of the city.

#### 2.0 Operating hours

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

**On sales:**

Monday to Sunday: 1100 hours to 0100 hours

#### 3.0 Background

3.1 On 1 March 2016 the Licensing Board received an application for the provisional grant of a premises licence from Yuk Ting Cheng, 86 Boswell Road, Inverness IV2 3EW per Lorna Murray 45 Culduthel Road, Inverness IV2 4HQ

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

3.2 The application was publicised during the period 7 March 2016 until 28 March 2016 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 - Park Community Council.
- 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](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:-

(i) The premises in question is a ground floor retail premises formerly operating as an unlicensed Chinese restaurant but now it has undergone a high quality

refurbishment to turn it into a dedicated fish and chip restaurant whereby a range of alcohol will be available for clients partaking of table meals by way of waitress service to tables. No bar counter is provided. There will be no off sales provision.

(ii) The premises has been visited by the LSO and it is certainly suitable for the sale of alcohol. The applicant has based his business model on successful examples of this type of restaurant in the Glasgow area.

(iii) The hours applied for are in line with Board policy and allow for flexibility in operating according to fluctuations in customer demand. The necessary Section 50 certificate in respect of Planning has accompanied the application.

(iv) The premises are located in a mixed residential and retail district of Inverness. From the proposed operating plan the LSO is of the opinion that there should be no compromise to the licensing objectives.

(v) The required site notice has been appropriately display and no objections or representations have been received.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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**

No local conditions are considered necessary.

### **7.3 Special conditions**

The Board may wish to consider attaching the following special conditions:

- (1) All alcohol will be sold or supplied on the premises solely as an accompaniment to a meal provided on the premises. (licensing objectives 1, 2, 3, and 4)
- (2) No glass disposal shall take place after 2300 hrs or before 07.00 hrs (licensing objective 3).

**Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions detailed at paras. 7.3 (1) & (2) above.

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/590

Date: 18 April 2016

Author: Marjory Bain

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