

The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	7.2
Report No	HLB/065/16

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

The River Café, Shore Street, Applecross, Strathcarron

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 The River Café, Shore Street, Applecross, Strathcarron.

1.0 Description of premises

1.1 The River Cafe is situated at the former Post Office on Shore Street, Applecross and consists of a two storey building which will predominantly be food-led, although sales of alcohol will not be restricted to persons taking meals.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hrs to 2300 hrs

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

Off sales:

Monday to Sunday: 1100 hrs to 2200 hrs

3.0 Background

3.1 On 13 June 2016 the Licensing Board received an application for the provisional grant of a premises licence from Visit Applecross Ltd.

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 27 June until 18 July 2016 and confirmation that the site notice was displayed during this time is awaited.

- 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:-

1. The applicant intends to operate a 2 storey, detached, 60 cover café bar at the former post office in the community of Applecross.
2. The application is for on and off-sales. There is no bar counter on the premises and off-sales of alcohol will be dispensed from an area inaccessible to the public. There is no conflict with the Board's policy on over-provision in respect of off-sales premises.
3. While the operation is to be predominantly food-led, sales of alcohol will not be restricted to persons taking a meal on the premises.
4. Unaccompanied children will be permitted on the premises until 1900 hrs after which time they will require to be accompanied by an adult and may only be on the premises if consuming a meal, attending a function or viewing entertainment. At the discretion of the management there will be no restrictions on young persons being on the premises at any time.
5. An outdoor drinking area is situated at the north side of the premises. It is not considered necessary to impose any restrictions on its use.
6. The licensed hours applied for are within policy and the activities or services to be provided are appropriate for this type of business. The premises may open for business prior to the commencement of licensed hours.
7. I am satisfied that the applicant has given due consideration 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 2013-18
- (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

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/CSR/1771

Date: 25 July 2016

Author: G Sutherland

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