

The Highland Licensing Board

Meeting – 6 December 2016

Agenda Item	8.2
Report No	HLB/111/16

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

Café One One Two, 112 High Street, Nairn, IV12 4DE

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 Café One One Two, 112 High Street, Nairn.

1.0 Description of premises

1.1 The Café One One Two is situated in Nairn town centre and consists of dining room, kitchen and toilet facilities.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1200 hours to 2200 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 24 October 2016 the Licensing Board received an application for the provisional grant of a premises licence from One One Two on the Brae Ltd.

The application was accompanied by the necessary Section 50 certification in terms of Planning and Building Standards.

3.2 The application was publicised during the period 26 October until 16 November 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.
- 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://highland.gov.uk/hlb_hearings

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) Application has been made for premises situated at 112 High Street, Nairn, which is a former shop premises which is being converted into a café/restaurant.
- (ii) The premises have been visited by the LSO and are suitable for the sale of alcohol as outlined within the operating plan.
- (iii) The hours of operation requested are within the policy hours of the Highland Licensing Board.
- (vi) A substantial off sale display is offered to customers and this is due to one of the connected persons, Catherine Hamilton, being a wine buyer by profession and seeking to offer customers the opportunity, of sourcing good quality wines and spirits from an independent retailer. On sales will be by waitress service to customers' tables. The alcohol display area is smaller than the current threshold operated by the Board when considering the question of over provision.
- (v) The necessary Section 50 certificate has been submitted in respect of Planning.
- (vi) The LSO is of the opinion that the operating plan is suitable to ensure that the 5 licensing objectives are appropriately met.
- (vii) During the public consultation period, 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 licensing conditions are seen as necessary by the LSO.

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/600

Date: 17 November 2016

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