

The Highland Licensing Board

Meeting – 3 October 2017

Agenda Item	8.5
Report No	HLB/107/17

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

Coco Hair Beauty and Spa, Plot 3 Dornoch Business Park, The Meadows, Dornoch, IV25 3SF

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 Coco Hair Beauty and Spa, Plot 3 Dornoch Business Park, The Meadows, Dornoch.

1.0 Description of premises

1.1 Coco Hair Beauty and Spa premises is a hairdressing salon and spa. The building is a two storey brick building. The locality is a mixture of residential and retail area in the city of Dornoch. The business is primarily a hairdressing salon together with a spa which offers various treatments, including waxing, make up, massage etc.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hrs to 2100 hrs

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

Off-sales:

Monday to Sunday 1100 hrs to 2100 hrs

3.0 Background

3.1 On 28 June 2017 the Licensing Board received an application for the provisional grant of a premises licence from Coco Hair Beauty Spa Limited.

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 7 August until 28 August 2017 and confirmation that the site notice was displayed has been received.
- 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://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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. 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
5. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, 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:-

5.2 The applicant intends to operate a purpose-built hairdressing salon and spa within premises at Dornoch Business Park.

5.3 The application is for both on and off-sales and the activities and services provided are reasonable and appropriate for such business. There is no bar counter on the premises and alcohol for off-sales will not be on public display within the premises. No capacity for off-sales is required.

5.4 I understand that the sale of alcohol for consumption on the premises is very much ancillary to the other activities to be carried out on the premises and is part of an over-all spa treatment package. All activities and services to be provided are appropriate for this type of business.

5.5 A small outdoor drinking area has been located at the rear of the premises and will be developed for use over a period of time. It is not considered necessary to impose any condition restricting its use.

5.6 I am satisfied that the applicant has given due consideration to the licensing objectives and I have no cause to object to the grant of a premises licence.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement 2013-18
- (iii) Highland Licensing Board Equality Strategy
- (iv) Schedule of Local Conditions

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 from the schedule of local conditions:

- q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

7.3 Special Conditions

The Board may wish to consider attaching the following special condition(s):

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the earlier of-

(a) the time at which the premises next close; and

(b) 0500 hrs; and

2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-

(a) the time at which the premises next close; and

(b) 0500 hrs

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras 7.2 and 7.3 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 objection in question.

Reference: HC/CSR/1833
Date: 14 September 2017
Author: L Gunn
Background Papers: The Licensing (Scotland) Act 2005