

The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	7.3
Report No	HLB/018/18

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

Deli in the Square, 1 The Square, Strathpeffer

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 Deli in the Square, 1 The Square, Strathpeffer.

1.0 Description of premises

1.1 The Deli in the Square is a single storey 20 cover café/delicatessen with outdoor seating area situated in the village of Strathpeffer. There is no bar counter on the premises and the sale of alcohol for consumption on the premises is not restricted to a person taking a meal there.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hrs to 2300 hrs

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

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 7 February 2018 the Licensing Board received an application for the grant of a premises licence from Ann M MacKinnon.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.3 The application was publicised during the period 16 February to 9 March 2018 and confirmation that the site notice was displayed 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://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.
- 4.2 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.

4.3 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.4 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 operates a small delicatessen with integral café on the ground floor of traditional terraced block of mainly commercial properties at The Square, Strathpeffer.
- (2) The application is for both on and off-sales. There is no bar counter on the premises and the café element of the business will be serviced from the main counter. Sales of alcohol will not be restricted only to persons taking a meal on the premises.
- (3) The proposed alcohol capacity for off-sales of 9 m² falls below the threshold of 40 m² in terms of the Highland Licensing Board overprovision policy statement.
- (4) A small number of tables are in place in the veranda outside the front of the premises and which has been designated as an outdoor drinking area. I am satisfied that there is no need to impose any conditions restricting the use of the outdoor drinking area.
- (5) The licensed hours applied for are within policy for both on and off-sales premises and the activities or services to be provided are appropriate for the specified operation.
- (6) I am satisfied that the applicant has given due regard to the licensing objectives. I have no cause to object to the grant of the licence.

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

None to apply.

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/1847
Date: 13 March 2018
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