

The Highland Licensing Board

Meeting – 15 May 2018

Agenda Item	6.1
Report No	HLB/037/18

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

The Coach House Café, Tomich, by Beauly, Inverness-shire, IV4 7LY

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 The Coach House Café, Tomich, by Beauly, Inverness-shire, IV4 7LY.

1.0 Description of premises

1.1 The Coach House Cafe is situated on the main street in the village of Tomich and consists of a café and post office.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 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 15 March 2018 the Licensing Board received an application for the grant of a premises licence from Partnership of DJ and SJ Fraser.

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

3.2 The application was publicised during the period 19 March until 9 April 2018 and confirmation that the site notice was displayed has been received.

- 3.3 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.
- 3.4 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 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 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.

4.3 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 Coach House Café is a detached building situated within the centre of Tomich village. The premises have no bar counter, solely a service counter where customers order their food and beverages. The premises have a small number of indoor tables and a small outdoor drinking area situated directly in front of the premises.

(ii) Off sales have been requested as the premises are close to a number of self-catering establishments, and are also located on popular walking routes. The range of alcohol for sale is very limited. It includes a small selection of wines and craft beers.

(iii) The application is within the policy hours of the Highland Licensing Board. The necessary section 50 certificates have been submitted with the application. The operating plan is, in the opinion of the LSO, in accordance with the licensing objectives.

(iv) The premises have already opened under the authorisation of occasional licences until a full premises licence is granted. The premises have been visited during this period by the LSO and have been found to be compliant with the requirements of the Licensing (Scotland) Act 2005.

(v) The applicants have requested on sales to commence from 1000 hrs. This is allowed for under Board policy provided that the premises are food led which they undoubtedly are, with a full menu being offered at this time.

(vi) It is the opinion of the LSO, that should the Board be minded to grant this application there will be no adverse issues.

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 considered necessary

7.3 Special conditions

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

- (1) Any alcohol sold for consumption on the premises prior to 1100 hrs must be as an accompaniment to food.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition detailed at para. 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 objective in question.

Reference: HC/INBS/620

Date: 12 April 2018

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