

The Highland Licensing Board

Meeting – 15 May 2018

Agenda Item	7.3
Report No	HLB/041/18

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

Café Savini, 2 Mayfield, High Street, Dingwall

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 Café Savini, 2 Mayfield, High Street, Dingwall.

1.0 Description of premises

1.1 Café Savini is a single storey café bar/bistro situated in Dingwall town centre.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hrs to 0100 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 22 March 2018 the Licensing Board received an application for the provisional grant of a premises licence from Café Savini 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 29 March until 19 April 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:-

The applicant currently operates a single storey café on High Street, Dingwall and now applies for a premises licence to sell alcohol by on and off-sales. The business will operate as a café bar/bistro and sales of alcohol will not be restricted to persons taking a meal on the premises.

There is no bar counter on the premises and off-sales of alcohol will be dispensed from general stock within an area inaccessible to the public. There is no conflict with the Board's policy on over-provision in respect of off-sales premises.

Unaccompanied children aged 12-15 years may be permitted on the premises until 1900 hrs. Otherwise, all children must be accompanied by a suitable, responsible adult. At the discretion of the management there will be no restrictions on young persons being on the premises at any time.

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.

The applicant may take advantage of any period of extended hours agree by the Board for the festive period.

I am satisfied that the applicant has given due consideration to the licensing objectives and 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

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 conditions:

1. After 1900 hrs all children must be in the company of, or supervised by an appropriate responsible adult.
2. 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
3. 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/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 objective in question.

Reference: HC/CSR/1855
Date: 1 May 2018
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