

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	8.3
Report No	HLB/059/18

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

Caol Restaurant, 1 Station Road, Kyle of Lochalsh, IV40 8AE

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 Caol Restaurant, 1 Station Road, Kyle of Lochalsh, IV40 8AE.

1.0 Description of premises

1.1 The Caol Restaurant is situated in the village of Kyle of Lochalsh and consists of a 2 storey café and restaurant. The café is located on the ground floor and the restaurant accessed through a separate entrance on the first floor. A small delicatessen is located in the café from which takeaway meals may also be supplied. There is no bar counter on the premises.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hours to 2400 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 11 May 2018 the Licensing Board received an application for the grant of a premises licence from Old Bakery (Kyle) Ltd.

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 16 May 2018 until 6 June 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 applicant operates a café and restaurant on 2 floors of premises on Station Road, Kyle. The café, which also has delicatessen and gift areas, is on the ground floor and the restaurant, which has a separate entrance, is on the first floor. Alcohol for on sales will be dispensed from serveries and there are no formal bar counters on the premises;
- (ii) The application is for both on and off sales. The proposed off-sales capacity of 8m² of alcohol does not conflict with the Board's policy on over-provision in respect of off sales premises. The proposed on sales hours are 1000 hours to 2400 hours daily, a period of 14 hours;
- (iii) While the operation is to be predominantly food-led, sales of alcohol will not be restricted to persons taking a meal on the premises. Any sale of alcohol for consumption on the premises prior to 1100 hours will only be made to persons taking a meal on the premises;
- (iv) Unaccompanied children aged 10-15 years may be permitted on the premises until 1800 hours after which time they will require to be accompanied by an adult. At the discretion of the management there will be no restrictions on young persons being on the premises at any time;
- (v) The licensed hours applied for are within policy for food-led premises 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;
- (vi) 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:

- f(2) Alcohol for consumption on the premises may be sold on the premises prior to 1100 hours only to persons taking table meals.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para. 7.2 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/RSL/1862
Date: 11 June 2018
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