

The Highland Licensing Board

Meeting – 6 November 2018

Agenda Item	8.1
Report No	HLB/112/18

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

Castle Street Restaurant, 41 Castle Street, Inverness, IV2 3DU

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 Castle Street Restaurant, 41 Castle Street, Inverness, IV2 3DU.

1.0 Description of premises

1.1 The Castle Street Restaurant is situated within Inverness city centre opposite The Town House and consists of a ground floor restaurant, with a single public entrance on to Castle Street. The restaurant has 72 covers and alcohol will be available by table service only.

2.0 Operating hours

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

On sales:

Monday to Saturday: 1000 hours to 2300 hours
Sunday: 1100 hours to 2300 hours

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

Off sales:

Monday to Saturday: 1000 hours to 2200 hours

3.0 Background

3.1 On 21 August 2018 the Licensing Board received an application for the grant of a premises licence from Castle Street Restaurant 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 17 September until 8 October 2018 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & 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 Castle Street Restaurant, is situated on Castle Street, Inverness and has operated as a table service restaurant for several decades but without the facility to sell alcohol as an accompaniment to meals. It is one of Inverness' oldest businesses. The venue is very popular with locals and tourists alike.

(ii) An application has been made for an alcohol premises licence, to sell alcohol by way of on sales and off sales. On sales has been requested to commence from 1000 hours, as the premises are very much food led and offer a substantial menu throughout their hours of operation, this complies with the current requirement stipulated in Board policy that the premises require to be "food led" if opening prior to 1100 hours. Alcohol is provided to diners by way of table service by waiting staff. There is no bar counter. Off sales are also requested as the premises service takeaway meals to self-catering properties, and often receive requests to supply a small amount of alcohol to take away.

(iii) The application has been reviewed by the LSO who is of the view that it is entirely compliant with the five licensing objectives. The application has been accompanied by section 50 certificates relating to planning, building standards and food hygiene.

(iv) The premises are suitable for the sale of alcohol as indicated in the operating plan. The hours requested are with HLB policy.

(v) The LSO is of the opinion that should the Licensing Board be minded to grant this application, there will be no threat to the licensing objectives.

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

No local conditions are considered necessary.

7.3 Special conditions

No special conditions are considered necessary.

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/INBS/629
Date: 22 October 2018
Author: Marjory Bain