

The Highland Licensing Board

Meeting – 2 April 2019

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| Agenda Item | 7.5 |
| Report No | HLB/030/19 |

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

An Talla – Café and Shop, Dochgarroch Locks, Dochgarroch, IV3 8DG

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 An Talla – Café and Shop, Dochgarroch Locks, Dochgarroch, IV3 8DG.

1.0 Description of premises

1.1 The An Talla – Café and Shop is situated beside Dochgarroch Locks and consists of a cruise ticket office and gift shop, craft/retail shop, visitor centre and café.

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 1 February 2019 the Licensing Board received an application for the provisional grant of a premises licence from Jacobite Cruises Ltd.

The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.2 The application was publicised during the period 18 February until 11 March 2019 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 applicants have commenced building works for a visitor centre at Dochgarroch, Inverness. The building which will occupy a substantial site and comprises of a "Grab and Go shop" which will provide a grocery facility for persons primarily enjoying boating holidays on the Caledonian Canal and the Lochs of the Great Glen. In addition to this, within the complex is a gift shop selling high quality Scottish produce which will include a range of alcohol for sale by way of off sales and a restaurant, whereby persons dining can enjoy an alcoholic drink at their table. In addition, two outside drinking areas accessible to customers of the café are included within the licensed footprint.

(ii) The premises from the plans submitted and partially completed building works are suitable for the sale of alcohol as described within the operating plan.

(iii) The off sales area within the gift shop is 5.4 square metres, which is well under the threshold for the consideration of the issue of over provision.

(iv) The hours requested are within the policy hours of the Highland Licensing Board; on sales in respect of the café are requested to commence from 1000 hrs. This is compliant with the Board's Policy on early opening, as the premises are primarily food led and offer a full menu at this time.

(v) The necessary section 50 certificate has been submitted in relation to Planning. Layout plans of good quality have also been submitted.

(vi) In respect of the outdoor drinking areas, the opening times proposed coupled with the fact that there is little in the way of neighbouring residential property mitigate against the need to condition the operating times of these areas.

(vii) The site notice has been displayed for the required 21 days. From the public consultation phase of the application no objections or representations have been received.

(viii) It is the opinion of the LSO that the proposed operating plan is entirely in keeping with the 5 licensing objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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:

- (e) Premises opening for the sale of alcohol for consumption on the premises prior to 1100 hours shall have available a selection of hot and cold food and shall advertise this within the premises.
- (i) No live or recorded music shall be played in any outdoor drinking area.
- (o) The licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area.
- (p) The licence holder shall ensure that all outdoor tables are regularly cleared of all used glassware, crockery, cutlery and refuse.

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 conditions 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/INBS/636
Date: 18 March 2019
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