

The Highland Licensing Board

Meeting – 1 October 2019

Agenda Item	8.5
Report No	HLB/084/19

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

Puldagon Farm Shop and Restaurant, Upper Puldagon, Stirkoke, Wick

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 Puldagon Farm Shop and Restaurant, Upper Puldagon, Stirkoke, Wick.

1.0 Description of premises

1.1 The premises comprise a farm shop selling local craft beers and spirits and a restaurant for 40 covers, set in a rural location.

2.0 Operating hours

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

On sales:

Monday to Saturday: 1100 hrs to 2130 hrs
Sunday: 1100 hrs to 2100 hrs

Off sales:

Monday to Sunday: 1000 hrs to 2100 hrs

3.0 Background

3.1 On 26 August 2019 the Licensing Board received an application for the grant of a premises licence from Greg Hooker.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.3 The application was publicised during the period from 26 August to 16 September 2019 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:-

- a) The premises known as Puldagon Farm Shop and Restaurant are situated in a rural location between Haster and Tannach, approximately three miles south west of Wick, Caithness. This is a renovation of a barn/storage shed on a family croft. It is a two storey building adjacent to two residential properties, both of which are owned and occupied by the applicant and his mother.
- b) This is a new business venture which intends to provide foodstuffs and quality/specialised beers, wines and spirits for off sales from the farm shop area of the building on the ground floor, as shown on the layout plan.
- c) The applicant also intends to offer alcohol, primarily as an accompaniment to food, which will be offered on a table service basis within the upstairs restaurant, downstairs seated area and outdoor seated area all as shown on the layout plan. On consultation, the Planning Department have provided some observations, including that the downstairs seated area was not shown on their original planning application. There are ongoing discussions between the applicant and planning with regard to this issue. The premises are a 30 cover area upstairs and approximately 10 covers downstairs, with no provision for vertical drinking.
- d) The applicant had also originally applied for on sales hours of 1100 hrs to 0100 hrs. Although this is within Licensing Board policy, these hours conflicted with a condition of the planning permission for the premises which restricts customer access to a 2130 terminal hour. Following discussion with the applicant, he has now amended the on sales hours to reflect the hours conditioned on the planning permission i.e. with a terminal hour of 2130 hrs on Mondays to Saturday and 2100 hrs on a Sunday. The business has operated with occasional licences since the 19 August 2019 with no adverse comment.
- e) The business will operate outwith licensing hours for the provision of food; breakfast etc, without the provision of alcohol, as well as non-alcoholic products for purchase from the farm shop.

- f) The applicant has applied as at 6(b) within the operating plan for children and young persons access which is entirely in keeping with the fifth licensing objective concerning protecting children and young persons from harm.
- g) The application has been accompanied by the necessary section 50 certificates and disability access statement. Layout plans of appropriate quality have been submitted.
- h) The application has been overviewed by the Licensing Standards Officer and is compliant with the five licensing objectives and is in keeping with all aspects of current Highland Licensing Board policy.
- i) It is the opinion of the LSO that should the Board be minded to grant this application, there will be no adverse effect on the licensing objectives. Following the statutory consultation period, no objections or representations have been received by the Board.

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

None to apply

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/CSR/1920
Date: 17 September 2019
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