

The Highland Licensing Board

Meeting – 11 May 2021

Agenda Item	7.1
Report No	HLB/030/21

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

Delilah's, Main Street, Lochinver, IV27 4IX

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 Delilah's, Main Street, Lochinver.

1.0 Description of premises

1.1 Delilah's is a restaurant/bar, 2-storey detached building sitting on its own grounds on the Main Street in Lochinver. It has a small outdoor hospitality area at the front of the building.

2.0 Operating hours

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

On sales:

Monday to Thursday: 1100 hours to 2400 hours
Friday to Saturday: 1100 hours to 0100 hours
Sunday: 1100 hours to 2400 hours

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

Monday to Sunday: 1200 hours to 2200 hours

3.0 Background

3.1 On 22 March 2021 the Licensing Board received an application for the provisional grant of a premises licence from The Partnership of Rachael Hawkins and Samuel Hawkins.

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 29 March until 19 April 2021 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:-

5.2 The premises to be known as Delilahs is a detached, double storey building which is currently being renovated from a disused tourist centre into a bar and restaurant. It also has a small outdoor hospitality area to the front of the premises.

5.3 The property is situated in the village of Lochinver, Assynt on the west coast of Sutherland and is located on the Main Street overlooking the sea loch and harbour.

5.4 This application for a provisional licence is to allow for the on and off Sale of alcohol to restaurant and bar customers.

5.5 The hours applied for are within the policy of the Highland Licensing Board and are appropriate for the premises.

The outdoor hospitality area will be restricted in relation to the terminal hour as at local conditions.

5.6 The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.

5.7 The layout plan submitted complies with the required specifications.

5.8 The Children and Young Persons policy is suitable and considered within the Highland Licensing Board policy.

5.9 There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

5.10 During the period of consultation, no timeous objections have been received.

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(s) from the schedule of local conditions:

m. After 2200hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

N(i) No live or recorded music shall be played in any outdoor drinking area.

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(s) detailed at para 7.2.

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/1969

Date: 23 April 2021

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005/Application Form.