

## Highland Licensing Board

Meeting – 29 March 2022

Agenda Item	6.1
Report No	HLB/016/22

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

XOKO Ltd, 13 Bridge Street, Inverness, IV1 1HG

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for grant of a premises licence in respect of Tristan Murray Gray Aitchison, 19 Union Road, Inverness, IV2 3JY.

#### 1.0 Description of premises

1.1 The XOKO Ltd is situated on Bridge Street in Inverness Town Centre and consists of a bakehouse, coffee bar and cafe.

#### 2.0 Operating hours

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

##### On sales:

Monday to Sunday: 1000 hours to 2100 hours

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

##### Off sales:

Monday to Sunday: 1000 hours to 2100 hours

#### 3.0 Background

3.1 On 31 January 2022 the Licensing Board received an application for the grant of a premises licence from Tristan Murray Gray Aitchison.

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.

3.2 The application was publicised during the period 21 February until 14 March 2022 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 attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

#### **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) XOKO is a newly opened café/bakery situated on Bridge Street, Inverness. The premises comprise a café with service counter and customer seating, with an additional small outside seating area directly outside the premises. Up until this application the premises have sold a small range of alcohol by way of occasional licences without any adverse comment or issue.

(ii) A full application has been received, complete with Section 50 certificates, relating to Planning, Building Control and Food Hygiene. A disabled access statement has also been prepared.

(iii) The LSO has visited the premises and they are suitable for the sale of alcohol as described in the operating plan. The premises are likely to appear to continental tourists so commencing alcohol sales at 1000 hrs as an accompaniment to food is not incongruous.

(iv) The outside area is capable of being well supervised from the café, the hours of operation of the café negate the need to separately condition this area in terms of alcohol sales from the main premises.

(v) In summation, the operating plan meets the requirements of the licensing objectives.

(vi) During the public consultation phase of this application 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

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:

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

(l) The boundaries of any outside area will be effectively demarcated to the satisfaction of the Licensing Standards Officer.

## 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/677  
Date: 16 March 2022  
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