

## The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	7.6
Report No	HLB/029/23

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

Norse Bakehouse, Rhitongue, Tongue, Lairg, IV27 4XW

#### 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 Norse Bakehouse, Rhitongue, Tongue, Lairg, IV27 4XW.

#### 1.0 Description of premises

1.1 The Norse Bakehouse consists of a 150 year old local former school off the main A836 single track road in Rhitongue between Bettyhill and Tongue which forms part of the NC500.

The premises is one and half storey building of local granite construction consisting of the owner's accommodation and cafe with separate access. The cafe having a conservatory style wooden extension attached.

There is a house in separate ownership to the south west of the application site. The proposed site is for on sales consumption of alcohol by table service only, inside and outside and off sales.

#### 2.0 Operating hours

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

##### On sales:

Monday to Sunday: 1100 hours to 2300 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 6 February 2023 the Licensing Board received an application for the grant of a premises licence from MMRC 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 13 February 2023 until 6 March 2023 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:

[Highland Licensing Board - 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 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 property is situated adjacent to the A836 Bettyhill to Tongue road North Sutherland.

(ii) The property known as Norse Bakehouse is comprised of a detached one and a half storey restaurant and takeaway with connected owner's accommodation.

(iii) The premises will offer alcohol for on and off sales, as well as takeaway and deliveries of food and alcohol.

(iv) On sales will be to seated patrons only, both internally and externally.

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

(vi) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.

(vii) The layout plan submitted complies with the required specifications.

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

(ix) During the period of public consultation, no objections were 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.

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

(m) After 2200hrs alcoholic or non-alcoholic drinks shall not be consumed in any outdoor 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.

### **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 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/CSR/2041

Date: 9 March 2023

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