

## The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	9.4
Report No	HLB/038/23

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

Peet's Restaurant, Culag Square, Lochinver, IV27 4LE

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Kirkaig Foods Ltd.

#### 1.1 Description of premises

1.1 The premises area a mid-terraced single storey bed and breakfast premises with restaurant and associated facilities providing accommodation for up to 6 persons in three rooms and 40 covers in the restaurant. There is an outdoor drinking area to the front of the premises. Alcohol may be sold to guests accommodated on the premises and to persons making use of the facilities provided in the restaurant. The premises do not have a bar counter.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Sunday: 1100 hours to 2400 hrs

#### 3.0 Summary of variation application

##### 3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

- (1) Add off sales
- (2) Amend description of premises
- (3) Amend on sales hours
- (4) Addition of seasonal variation
- (5) Amend children and young persons policy

(6) Change to licence holder's address

(7) Increase on sales capacity to include outdoor area

(8) Add to other activities off sales internet and telephone sales and takeaway with delivery option

#### **4.0 Background**

4.1 On 7 February 2023 the Licensing Board received an application for a major variation of a premises licence from Kirkaig Foods Ltd.

4.2 The application was publicised during the period 13 February until 6 March 2023 and confirmation that the site notice was displayed has been received.

4.3 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.

4.4 Notification of the application was also sent to NHS Highland and the local Community Council.

4.5 Further to this publication and consultation process, no timeous objections or representations have been received.

4.6 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](#)

#### **5.0 Legislation**

5.1 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 may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;

3. 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.

5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.3 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

(i) The property known as Peets Restaurant is an established restaurant in Culag Square, Lochinver, Assynt, Sutherland.

(ii) This application is to extend the current activities provided by the premises which are detailed elsewhere in this report.

(iii) The premises have operated for many years with adverse comment.

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

(v) The children and young persons policy is appropriate.

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

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

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

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

(1) Highland Licensing Board Policy Statement 2018-23

(2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **8.2 Local conditions**

Existing local condition (m) to be amended to read:

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

It is recommended that the following additional local condition(s) be attached:

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

(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.

### **8.3 Special conditions**

The following existing special condition can now be removed due to a change to their children and young person's policy:

'Whilst within the restaurant part of the premises all children must be in the company of, or supervised by, an appropriate responsible adult after 2000 hrs. This condition does not apply to children who are resident on the premises.'

No other special conditions are considered necessary.

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 8.2 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/1697

Date: 9 March 2023

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