

The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	7.3
Report No	HLB/046/23

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

An Cala Café, Lochinver Mission, Culag Park, Lochinver, IV27 4LE

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 An Cala Café, Lochinver Mission, Culag Park, Lochinver, IV27 4LE.

1.0 Description of premises

1.1 An Cala Café is a café/restaurant situated in a detached building close to Lochinver harbour adjacent to the village recreation field.

2.0 Operating hours

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

On sales:

Monday to Saturday: 1200 hours to 2300 hrs

3.0 Background

3.1 On 22 March 2023 the Licensing Board received an application for the grant of a premises licence from Jason Wilson and Julia Wilson.

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 27 March 2023 until 17 April 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 closed to the harbour in Lochinver, Sutherland.

(ii) The property known as An Cala is a detached two storey building with a café on the ground floor and a separate and unlicensed hostel type accommodation on the second floor.

(iii) The premises will offer alcohol for on sales, the alcohol will be served primarily as ancillary to meals.

(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 publication no objections were received.

(x) I have no objection to this application.

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(s). 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/2050

Date: 19 April 2023

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