

## The Highland Licensing Board

Meeting – 9 January 2024

Agenda Item	6.2
Report No	HLB/04/24

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

The Italian Job, Unit 4 Carrier's Croft, Lewiston, Drumnadrochit, IV63 6AG

#### 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 The Italian Job, Unit 4 Carrier's Croft, Lewiston, Drumnadrochit, IV63 6AG.

#### 1.0 Description of premises

1.1 The Italian Job is situated in a small strip mall outside Drumnadrochit and consists of an Italian restaurant and takeaway.

#### 2.0 Operating hours

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

##### On sales:

Monday to Sunday: 1215 hours to 2230 hours

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

##### Off sales:

Monday to Thursday: 1215 hours to 1930 hours  
Friday: 1215 hours to 2200 hours  
Sunday: 1215 hours to 2130 hours

#### 3.0 Background

3.1 On 3 November 2023 the Licensing Board received an application for the grant of a premises licence from The Italian Job (Inverness) Ltd.

The application was accompanied by a Disabled Access Statement.

3.2 The application was publicised during the period 13 November until 4 December 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 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) The Italian Job is a small restaurant, offering both sit in and takeaway service, situated in the centre of Drumnadrochit in a retail unit.

(ii) The premises have been visited by the LSO and in his opinion, are suitable for the sale of alcohol as described within the operating plan. Both sit in and takeaway options are offered to customers. Off sales are requested to compliment the takeaway service, which is popular for visitors staying at nearby camp sites, bunk houses or self-catering accommodation.

(iii) The hours of operation for alcohol sales are in line with those currently allowed for in HLB Policy.

(iv) The application has been submitted with disability access statement, 3 x Section 50 Certificates and competent layout drawings.

(v) In the opinion of the LSO, the operating plan is in line with the 5 licensing objectives. In particular, the children and young persons' policy allows children of 12 years and above, to enter unaccompanied until 2000 hours. This is seen as reasonable, as the food choices are particularly popular with the teenage group and the premises are family friendly, only offering alcohol as an ancillary service to food.

(vi) During the public consultation phase of this application no objections or representations have been received by the HLB.

## **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**

No local conditions are considered necessary.

### **7.3 Special conditions**

No special conditions are considered necessary.

## **Recommendation**

The Board is invited to determine the above application.

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/696  
Date: 6 December 2023  
Author: Marjory Bain