

## The Highland Licensing Board

Meeting – 1 October 2013

Agenda Item	8.3
Report No	HLB/115/13

### Application for the Provisional Grant of a Premises Licence under the Licensing (Scotland) Act 2005

Royal Kashmir, the Meadows, Dornoch, Sutherland, IV25 3QY

#### Report by the Clerk of the Licensing Board

##### Summary

This Report relates to an application for a Provisional Premises Licence for Royal Kashmir, The Meadows, Dornoch, IV25 3QY

#### 1.0 Background

1.1 Royal Kashmir is a restaurant on the ground floor of a detached building comprising a restaurant and separate takeaway shop.

1.2 On 22 July 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from Abdul Chowdhury in respect of Royal Kashmir.

1.3 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health) and Planning and Building Standards were consulted on the application.

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

No objections or representations have been received from these agencies.

1.4 The applicant has been invited to attend.

#### 2.0 Legislation

2.1 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 premises are excluded premises;
2. the grant of the application will be inconsistent with one or more of the licensing objectives; 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, if the Board considers the premises are unsuitable for the sale of alcohol.

3. having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

### **3.0 Summary of Application**

The applicants seek the following **on-sale** hours:-

Monday to Sunday: 1200 hours to 2300hrs

### **4.0 Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board combined Equality Scheme

### **5.0 Licensing Standards Officer**

The LSO has provided the following comments:-

- The premises are situated in the trading estate at the Meadows, Dornoch and were formerly an un-licensed takeaway restaurant.
- The application is for hours within policy and all activities and services referred to in the operating plan are appropriate for operation as a 20 cover restaurant with a separate takeaway section.  
The premises do not have a bar counter.
- I understand that all necessary certificates have now been produced and that the applicant will make an immediate application for confirmation of the licence if it is granted.
- It is recommended that the under-noted specific condition be imposed.

#### **Specific Condition**

- Alcohol may only be sold or supplied on the premises to persons taking table meals.

## **6.0 Conditions**

### **6.1 Mandatory Conditions**

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

### **6.2 Local Conditions**

None to apply

#### **Specific Condition**

6.3 Alcohol may only be sold or supplied on the premises to persons taking table meals.

### **Recommendation**

The Board is invited to determine the above application and the proposed special condition detailed at paragraph 6.3 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1675

Date: 11 September 2013

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005