

## The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	9.4
Report No	HLB/039/14

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

Café Canna, The West Bothy, Isle of Canna, PH44 4RS

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

##### Summary

This Report relates to an application for a Premises Licence for Café Canna, The West Bothy, Isle of Canna, PH44 4RS.

#### 1.0 Background

1.1 Café Canna is a small 16 seater Café Bistro which serves lunches, evening meals, light snacks and refreshments. The Café is located on banks of Canna Harbour on the Isle of Canna. The premises previously held an On and Off Sale Licence but the previous tenant failed to pay the annual premises fee and the Premises Licence was revoked by the Licensing Board on 26 February 2013.

1.2 On 18 February 2014 the Licensing Board received an application for the grant of a Premises Licence from Café Canna Limited.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

1.3 The application was publicised during the period 24 February until 17 March 2014 and confirmation that the site notice was displayed has been received.

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

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

1.5 No objections or representations have been received in respect of the application.

## 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 applicant seeks the following **on-sale** hours:-

Monday to Sunday: 1100 to 2300 hours

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

Monday to Sunday: 1100 to 2200 hours

## 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 Equality Strategy

## **5.0 Licensing Standards Officer**

The LSO has provided the following comments:-

- The hours applied for are within policy and all activities referred to in the operating plan are reasonable and appropriate for this type of operation.
- the Children's Policy is considered suitable and is within the policy of the Highland Licensing Board;
- The layout plan(s) submitted with the application complies with the required specifications;
- The premises are considered suitable for use for the sale of alcohol in accordance with the proposed application;
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives;
- It is noted that an outdoor drinking area is proposed. It is not considered necessary to impose any restriction or other conditions on its use.

## **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**

It is not considered necessary to attach any Local Conditions.

### **Recommendation**

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1696

Date: 18 March 2014

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