

The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	11.5
Report No	HLB/046/14

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Crofters Bistro, 11 Marine Terrace, Rosemarkie, Ross-shire, IV10 8UL.

Report by the Clerk to the Licensing Board

Summary

REF: HC/RSL/1174

This report relates to an application for major variation of Premises Licence.

Premises: Crofters Bistro, 11 Marine Terrace, Rosemarkie, Ross-shire, IV10 8UL

Applicant: R&P Timpson T/A Crofters Bistro Ltd.

1 Description of Premises

The Premises are a popular Bistro type restaurant within the village of Rosemarkie, Ross-shire. Alcohol provision is by way of service to customers at tables.

1.1 Current Core Operating Hours

On Sales:

Monday to Thursday 1100 hrs to 2330 hrs

Friday 1100 hrs to 0100 hrs

Saturday 1100 hrs to 2230 hrs

Sunday 1230 hrs to 2200 hrs.

Off Sales:

No current provision.

2 Summary of Variation Application

2.1 Variation Sought

Amendment to core licensing hours is as follows:-

On sales: 1100 hrs on Sunday

Off sales: 1100 hrs. to 2200 hrs Monday to Sunday

3 Background

- 3.1 On 4 February 2014 the Licensing Board received an application for a major variation of a Premises Licence from Mr Duncan MacLennan, 33 Mackenzie Place, Avoch, IV9 8QW acting as Agent for the Licence Holders R&P Timpson T/A Crofters Bistro Ltd.
- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period from 7 February 2014 to 28 February 2014. Confirmation of display of the site notice has now been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), and Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland. No Community Council is currently formed for the area.
- 3.4 Notice of the application has been sent to and all the people listed under S21 (1) of the Act.
- 3.5 No objections have been received in respect of the application.

4 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 may be: -

1. that the grant of the application will be inconsistent with one or more of the licensing objectives;
 2. that 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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
 3. that having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.
- 4.2 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.

5 Licensing Standards Officer's Comments

Application has been made by the Premises Licence Holders to increase the current core hours of the Premises in line with recent changes to the Policy Hours of the Highland Licensing Board.

On Sales hours are requested to increase on Sunday's to allow alcohol sales from 1100 hrs. The Premises are a popular seaside Bistro and anticipate that advancing the opening hours on Sundays will be an asset to their business particularly during the summer months.

In addition the Premises Licence Holders wish to offer a range of alcohol products for purchase by off sales and request off sales-hours of 1100 hrs until 2200hrs daily to facilitate this.

The Premises have a satisfactory operating history. The off sales will only be a small ancillary part of the business. The LSO is of the view that should the Board be minded to grant this variation then there will be no adverse effect on the Licensing Objectives.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

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

It is not considered necessary to attach any additional Local Conditions.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1174

Date: 11 March 2014

Author: Catherine Maclennan.

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

Licensing Board Policy Statement from 1 December 2013 to November 2016