

The Highland Licensing Board

Meeting – 13 May 2014

Agenda Item	7.2
Report No	HLB/059/14

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

Applicant – Amanda Jane Lastdrager

Premises - Gille Brighde Café and Restaurant, the Old Schoolhouse, Lower Diabaig, Achnasheen, IV22 2HE

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a Provisional Premises Licence for Gille Brighde Café and Restaurant, The Old Schoolhouse, Lower Diabaig, Achnasheen, IV22 2HE

1.0 Background

- 1.1 Gille Brighde Café and Restaurant is a former one storey school building with schoolhouse attached and is located close to the shoreline of Loch Diabaig with ample car parking available.
- 1.2 On 21 February 2014 the Licensing Board received an application for the provisional grant of a premises licence from Amanda Jane Lastdrager in respect of Gille Brighde Café and Restaurant.
- 1.3 The application was accompanied by the necessary section 50 certification in terms of Planning.

The application was publicised during the period 28 March 2014 to 18 April 2014 and confirmation that site notice was displayed has been received.

- 1.4 In accordance with standard procedure, Police Scotland, Scottish 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 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 applicants seek the following hours:-

On-sales:-

Monday to Sunday 1100 hrs to 2400 hrs

Off-sales:-

Monday to Sunday 1100 hrs to 2200 hrs

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
- (iv) Schedule of Local Conditions

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- 5.1 The applicant intends to operate a 20 cover café bar / restaurant offering appropriate services and activities including an outdoor drinking area at Lower Diabaig, Achnasheen.
- 5.2 The application is for on and off-sales and with a seasonal variation for the festive period. There is no bar counter in any part of the premises and off-sales will not be on display but dispensed from the stockroom.
- 5.3 The licensed hours applied for are within policy for on and off-sales premises and the activities or services to be provided are appropriate for such a business.
- 5.4 There are 2 neighbouring residential properties with the nearest being approximately 50 metres away. It is not considered necessary to impose any condition restricting the use of the outdoor drinking area.
- 5.5 The sale of alcohol will not be restricted to persons taking meals on the premises. Unaccompanied children may be permitted to make use of the services and activities until 1800 hrs after which they must be accompanied by an appropriate responsible adult. Unaccompanied young persons may be permitted at any time.
- 5.6 I have no cause to object to the grant of this licence.

6.0 Conditions

6.1 . Local Conditions:

q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

6.2 Late Opening Premises Conditions.

The following shall apply on any occasion that the Premises are open after 0100 hrs.

- 1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hrs (on any day when the premises are open at that time) until whichever is the

earlier of-
(a) the time at which the premises next close; and
(b) 0500 hrs.

2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-(a) the time at which the premises next close; and

(b) 0500 hrs.

6.3 **Special Local Condition**

1. All children must be in the company of, or supervised by, an appropriate responsible adult after 1800 hrs.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1699

Date: 25 April 2014

Author: AHM/CM

Background Papers: The Licensing (Scotland) Act 2005