

The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	8.2
Report No	HLB/116/14

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

Report by Clerk of the Licensing Board

Summary

Ref: HC/INBS/565

This report relates to an application for the provisional grant of a premises licence for:

Premises: So Coco, 1 High Street, Inverness IV1 1HY

Applicant: Caledonian Coffee Company Ltd, c/o Ramnee Hotel, Victoria Road, Forres, Moray IV36 13BN per Garry W Dinnes

1.0 Background

1.1 The premises are a city centre cafe/bistro with 82 covers. Service of food and beverages is by customer order at the food counter till point. Orders are then delivered by waitress/waiter to tables. There is no bar counter. Toilet facilities are provided. The application is for on sales only, with an outdoor drinking area.

1.2 On 10 July 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant, Caledonian Coffee Company Ltd per Mr Garry W Dinnes.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, and the statutory fee.

1.3 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 (16 July 2014 to 5 August 2014). Confirmation of display of the site notice has been received.

1.4 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.

There is no Community Council formed for Inverness Central Ward.

Notice of the application has been sent to all the people listed under S21(1) of the Act.

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 ground 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,
3. 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, if the Board considers the premises are unsuitable for the sale of alcohol.
4. that having regard to the number and capacity of licenced 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.

3. Summary of Application

On Sales: Monday to Sunday 11.00 hrs. to 23.00 hrs.

4. Policies

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board combined Equality Scheme

Schedule of Local Conditions

5 Licensing Standards Officer's Comments:

The premises concerned are a city centre restaurant. There is no bar counter and customers place orders at a food counter and are then seated with orders being taken to tables. The premises are family friendly and are very much suited for the sale of alcohol as an ancillary service to the mainstream food provision.

This is a provisional licence application and the necessary Section 50 Certificate relating to planning has been submitted.

The children and young persons' policy is seen by the LSO as being sufficient to ensure their safety in line with the fifth Licensing Objective.

The applicants have requested within this application permission for an outside drinking area situated on Church Street and co-terminus with the boundary of the premises. No application has been made at this stage for the necessary pavement permit from the Council's TEC Services Department, but the inclusion of this as an approved facility within the operating plan is sought at this time in order to spare the requirement for a further major variation application. It is suggested that this aspect of the application be duly conditioned to prevent its use until the appropriate permissions have been granted.

6 Local Conditions

None recommended by LSO.

6.1 Specific Condition.

The outside drinking area as indicated within the layout Plans of the Premises shall not be utilised by customers until such time as the necessary Pavement Permit authorising its use has been applied for and granted.(Licensing Objective 3- Prevention of Public Nuisance).

7 Mandatory Conditions

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

8 Recommendation

The Board are invited to determine the application and the specific condition recommended at paragraph 6.1.

If the Board refuses 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.

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.5

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Date: 5th August 2014.

Background Papers: The Licensing (Scotland) Act 2005.