

## The Highland Licensing Board

Meeting – 3 February 2015

Agenda Item	7.1
Report No	HLB/011/15

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

Thai Dining, 85-87 Academy Street, Inverness IV1 1LU

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for the provisional grant of a Premises Licence in respect of Thai Dining, 85-87 Academy Street, Inverness IV1 1LU

#### 1.0 Description of Premises

1.1 The Thai Dining is situated in Inverness city centre and consists of a restaurant occupying the ground and first floors of a building in Academy Street.

#### 2.0 Operating Hours

2.1 The applicant seeks the following on-sale hours:

##### On sales:

Monday to Sunday: 1100 hours to 0100 hours

#### 3.0 Background

3.1 On 16 December 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from Thai Dining Limited, 21 Lochardil Place, Inverness, IV2 4LN per Kenneth Thomson, 21 Lochardil Place, Inverness IV2 4LN/ Lorna Murray Solicitor, 45 Culduthel Road, Inverness IV2 4HQ.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

3.2 The application was publicised during the period 22 December 2014 until 12 January 2015 and confirmation that the site notice was displayed has been received.

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

- 3.4 Notification of the application was also sent to NHS Highland. There is no local Community Council formed for the area.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

[http://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **4.0 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 are: -

1. that the premises are excluded premises;
  2. that the grant of the application would 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,the Board considers the premises are unsuitable for use for the sale of alcohol, or
  4. that 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 overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:-

- (i) The premises in question were formerly a licensed chinese restaurant. Having conducted compliance checks before, the LSO is of the opinion that the premises are suitable for the sale of alcohol.
- (ii) The hours requested are the maximum hours available to standard licensed premises under the current Highland Licensing Board policy.
- (iii) The operating plan submitted in the opinion of the LSO complies with the requirements of the licensing objectives.
- (iv) The necessary Section 50 Certificate in respect of planning has been submitted.
- (v) The premises are situated in a mainly commercial district of Inverness .

## **6.0 HLB Local Policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

## **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**

- None recommended

### **7.3 Special Conditions**

No special conditions are considered necessary.

## **Recommendation**

The Board is invited to determine the above application.  
If the Board is minded to refuse 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.

Reference: HC/INBS/573

Date: 15 January 2015

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