

The Highland Licensing Board

Meeting – 11 May 2021

Agenda Item	6.2
Report No	HLB029/21

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

Rain Bakery, 41 High Street, Fort William, PH33 6DH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Rain Bakery, 41 High Street, Fort William.

1.0 Description of premises

1.1 Rain Bakery is a deli café/bakery situated at 41 High Street, Fort William. Ostensibly a retail shop, the premises offer a small number of tables for customers to purchase food and beverages for consumption on the premises. There are a maximum of 20 covers.

Alcohol is sold on the Premises by way of ordering with staff, there is no bar counter.

Off-sales comprise mainly craft beers and spirits, contained within a dedicated display area.

2.0 Operating hours

2.1 The applicant seeks the following **on-sale** hours:

On sales:

Monday to Sunday: 1200 hours to 2200 hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 30 March 2021 the Licensing Board received an application for the grant of a premises licence from Mr Alistair Ness.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.2 The application was publicised during the period 26 March 2021 until 16 April 2021 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 and the local Community Council.

3.5 Further to this publication and consultation process, no timeous objections or representations have been received.

3.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case if they so wish.

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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;

4. 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
5. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.

4.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.3 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:-

An application has been received by the Highland Licensing Board, for a Premises Licence for Rain Bakery, 41 High Street, Fort William. These premises are a bakery/delicatessen who wish to offer alcohol by way of off sales and also to provide alcohol to a small section of seated customers (20 covers) on the Premises.

There is no bar counter and alcohol will be provided by way of table service.

The alcohol display area is small and is well under the current capacity threshold set by the Board for the consideration of the question of overprovision.

The range of stock will be craft ales/ciders and artisan spirits, largely appealing to the tourist market.

The application has been submitted with the necessary Section 50 certificates relating to Planning, Building Control and Food Hygiene. A disabled access statement has also been included.

The operating plan has been overviewed by the LSO who is comfortable in that it complies with current Board Policy and the Licensing Objectives.

The premises are designed to be family friendly and the presence of children and young persons throughout the hours of operation presents no issue.

Following the public consultation phase of this application no objections or representations have been received by the Board.

Local Licensing Conditions - none Recommended.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

No local conditions are considered necessary.

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/RSL/1070
Date: 29 April 2021
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