

The Highland Licensing Board

Meeting – 6 August 2013

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| Agenda Item | 8.1 |
| Report No | HLB/081/13 |

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

Report by Clerk of the Licensing Board

Summary

Ref: HC/INBS/550

This Report relates to an application for the grant of a Premises Licence for:

Premises: Aviemore News, Unit 1, Myrtlefield Centre, Grampian Road, Aviemore PH22 1RH

Applicant: Partnership of Ernest Kopp and Debra Kopp (Cypress Rose Ltd)

1 Background

1.1

This is an application for a premises licence in respect of a single-storey newsagent shop within a small shopping precinct in the centre of Aviemore. The premises have a single entrance. There will be a small alcohol display and a range of newsagent goods, stationary, foodstuffs and tobacco are also sold. The premises will operate off-sales only.

1.2

On 8 May 2013 the Licensing Board received an application for the grant of a Premises Licence from the partnership of Ernest Kopp and Debra Kopp (Cypress Rose Ltd).

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene, 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 displayed a site Notice for the same period (10 June to 01 July 2013).

1.4

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

Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.

1.5

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

1.6

No objections or representations have been received.

2. 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, 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 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

Off Sales

Monday to Saturday - 10.00 to 18.30

Sundays - 10.00 to 17.30

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 LSO has provided the following comments:-

The Premises in question are a Newsagent's Shop in a retail district in the centre of Aviemore. The necessary Section 50 certificates have been submitted with this application and the Premises are considered suitable for the sale of alcohol.

The hours applied for in this application are within the Policy Hours of the Highland Licensing Board.

The applicant Mr Ernest Kopp has obtained a Personal Licence enabling him to fulfil the role of Premises Manager.

There would appear to be no threat to the Licensing Objectives from this application should the Board be minded to grant the application.

5.1 Local Conditions

None recommended.

6.0 Mandatory Conditions

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

7 Recommendation

The Board is invited to determine the above application. .

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.550

Author: Wendy Grosvenor

Date: 20/05/2013.

Background Papers: The Licensing (Scotland) Act 2005