

The Highland Licensing Board

Meeting – 06 August 2013

Agenda Item	10.4
Report No	HLB/091/13

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

Boat of Garten Post Office, Deshar Road, Boat of Garten PH24 5BN

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/232

This Report relates to an application for a major variation of Premises Licence.

Premises: Boat of Garten Post Office, Deshar Road, Boat of Garten PH24 5BN

Applicant: David Woolsey, Cairngorm Cottage, Deshar Road, Boat of Garten, PH24 3BN

1 Description of Premises

The premises are small village shop selling a range of household goods, groceries and a small selection of alcoholic off-sales. The alcohol is displayed in two areas – one in the public area of shop and the second in a secure area behind the shop counter.

2 Summary of Variation Application

2.1 Variation Sought

- Addition of Sunday Opening: 10.00 to 19.00
- Addition of seasonal variations: 'May not open to 19.00, out of season'.

3 Background

3.1 The premises are licensed for off sales and were converted from the 1976 Act.

On 6 June 2013 the Licensing Board received an application for a major variation of a Premises Licence from the applicant, Mr David Woolsey.

3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant had to display the Notice on site for the same period (10 June to 01 July 2013). Confirmation of display of the site note has been received.

3.3 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.

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

3.5 No objections have been received in respect of the application.

4 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 may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to; (i) the nature of the activities carried on or 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 use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

4.2 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.

5 Licensing Standards Officer's Comments

Boat of Garten Post Office is a community shop within the centre of the Speyside village of the same name. The shop has been licensed since transition in 2009 and has a trouble free licensing history. Periodic licensing checks by the LSO have revealed a high degree of compliance.

Application has been made to open on Sundays due to popular demand from local residents and holiday makers alike. The ability to supply alcohol which is often a popular commodity is an important feature of the business. The hours requested are within the Board's Policy.

The Premises are suitable for the sale of alcohol and staff training has been carried out.

Should the Board be minded to grant this application there will be no adverse effect on the Licensing Objectives. The Operators do not stock alco-pops or cheap high strength items, often associated with problem drinking and health issues.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

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 Specific Condition(s)

None recommended.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/232

Date: 6/6/2013

Author: Wendy Grosvenor

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