

## The Highland Licensing Board

Meeting – Tuesday, 6 August 2013

Agenda Item	10.6
Report No	HLB/093/13

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

Co-operative Group Food Limited, Bridge Road, Kyle of Lochalsh, IV40 8BU

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

##### Summary

This Report relates to an application for a major variation of Premises Licence in respect of the Co-operative Group Food Limited, Bridge Road, Kyle of Lochalsh, IV40 8BU.

#### 1.0 Description of Premises

Supermarket premises on the edge of the village of Kyle of Lochalsh adjacent to the A87 Road to Skye. The premises are a self-contained detached building with adjacent car parking.

#### 2.0 Summary of Variation Application

##### 2.1 Variation Sought

The applicant seeks to vary the premises licence as follows:-

- (1) Amendment to the layout plan involving a change to shelving units.
- (2) Increase the capacity of off sales from 34.00m<sup>2</sup> to 38.35m<sup>2</sup>.

#### 3.0 Background

3.1 On 24 April 2013 the Licensing Board received an application for a major variation of a Premises Licence from the Applicant's agent, BMK Wilson, Solicitors.

3.2 The application was publicised during the period 3 May 2013 until 24 May 2013. The public notice which should have displayed in the store during this period was not displayed and therefore the application was publicised for a further 21 day period from 3 June 2013 to 24 June 2013.

3.3 In accordance with standard procedure, Northern Constabulary, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health), Planning, Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and the local Community Council.

3.4 No objections or representations have been received in respect of the application.

#### **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 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 only power to either grant the application and make a variation of the conditions to which the licence is subject or, refuse the application.

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.

#### **5.0 Licensing Standards Officer**

The LSO has provided the following comments:-

- From the layout plan submitted, the variation complies with the required specifications and mandatory conditions.
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- The premises have been visited and found to be compliant in observing the requirements of the Licensing (Scotland) Act 2005.

## **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) Highland Licensing Board combined 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**

It is not considered necessary to attach any additional Local Conditions.

## **Recommendation**

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1322

Date: 18 July 2013

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