

The Highland Licensing Board

Meeting – 6 August 2013

Agenda Item	10.7
Report No	HLB/094/13

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

Portree Knitwear, 11 Wentworth Street, Portree, Isle of Skye, IV51 9EJ

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 Portree Knitwear, 11 Wentworth Street, Portree, Isle of Skye, IV51 9EJ.

1.0 Description of Premises

The premises are a typical scottish tourist store retailing clothing, woollens, gifts and tourist items. They also sell a small range of liquor products aimed at the gift/tourist market.

2.0 Summary of Variation Application

2.1 Variation Sought

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

- (1) Opening hour on Sunday to be 1000 instead of 1230 during the period from Good Friday to 31 October in each year (Terminal hour of 1630 remains unchanged).
- (2) Increase the capacity of off sales from 2.05m² to 4.1m².
- (3) Amendment to the layout plan in respect of shelving

3.0 Background

- 3.1 On 7 June 2013 the Licensing Board received an application for a major variation of a Premises Licence from the Applicant's Agents, Macdonald Licensing Limited.
- 3.2 The application was publicised during the period 17 June 2013 until 8 July 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:-

- The increase in core hours applied for is within the policy hours of the Highland Licensing Board.
- 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/1281

Date: 18 July 2013

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