

## The Highland Licensing Board

Meeting – 6 August 2013

Agenda Item	10.9
Report No	HLB/096/13

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

Portmahomack Post Office and Stores, Main Street, Portmahomack, IV20 1YB.

#### Report by the Clerk of the Licensing Board

##### Summary

This Report relates to an application for a major variation of Premises Licence HC/CSER/0358 in respect of Portmahomack Post Office and Stores, Main Street, Portmahomack, IV20 1YB.

#### 1 Licensing History

- 1.1 The premises tendered a conversion licence under the transitional provisions in 2009.

#### 2 Variation Details

- 2.1 (a) Increase licensed hours to 1000 hrs to 2200 hrs daily.
- 2.2 The existing licensed hours are 1000 hrs to 2000 hrs Monday to Saturday and 1230 hrs to 2000 hrs on a Sunday.

#### 3 Process

- 3.1 Following receipt of the application which has been accompanied by statutory fee:
- 3.2 A notice of the application together with a copy thereof was sent to Police, Fire, Environmental Health, Planning, Building Standards, Licensing Standards Officer and NHS's Director of Public Health. The local Community Council were also notified.
- 3.3 The Chief Constable has a period of 21 days to give notice that either the applicant or any connected person has been convicted of any relevant offence or foreign offence. It is also open to the Chief Constable in the event of giving such a conviction to recommend that the application be refused for the purposes of crime prevention objection that is the prevention of crime and disorder.

**3.4** The Board has advertised the application on the Council's website for a period of 21 days and the applicant displayed the Notice on site for the same period.

**3.5** The Applicant and the Board have complied with all the statutory formalities and there are no objections or representations. The Licensing Standards Officer has also commented and any amendments proposed have been incorporated into the operating plan or are recommended as conditions.

#### **4 Policies**

**4.1** The following policies apply:

- The Highland Licensing Board combined Equality Scheme
- The Policy Statement by The Highland Licensing Board

**4.2** I am of the view that none of the objectives of the operating plan are contrary to either policy.

**5** The Members will note that the following is a summary of the Board's powers and if required more specific advice will be offered.

#### **5.1 Grounds For Refusal**

Relevant grounds 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.
3. 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.
4. Having regard to the number and capacity of licensed 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.

**5.2** 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.

#### **6 Licensing Standards Officer's Comments**

**6.1** This variation is in accordance with Board policy and is reasonable and appropriate for this type of premises.

## 7. Local Conditions

7.1 None to apply.

### **Recommendation**

It is recommended that Members consider the application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/0358

Date: 10 July 2013

Author: Iona Cook

Background Papers: The Licensing (Scotland) Act 2005

Appendix: None