

The Highland Licensing Board

Meeting – 06 August 2013

Agenda Item	10.11
Report No	HLB/098/13

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

Culbokie Village Store, Smithfield, Culbokie, IV7 8JH

Report by the Clerk of the Licensing Board

Summary

REF: HC/RSL/0156

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

Premises: Culbokie Village Store, Smithfield, Culbokie, IV7 8JH.

Applicant: Mr George Priest, 7 Lochlann Road, Culloden, Inverness, IV2 7HB.

1.0 Description of Premises

The premises comprise a small community village store, situated centrally in the village of Culbokie, Ross shire. The Premises are a single storey building with small adjacent parking area, the shop area sells foodstuffs, newsagent goods and general merchandise, a range of alcohol is stocked.

2.0 Background

The premise is licensed for off-sales and was granted on 1 September, 2009, following holding a previous Licence under the Licensing (Scotland) Act 1976.

2.1 On 26 June, 2013 the Licensing Board received an application for the major variation of the Premises Licence from the licence holder Mr George Priest.

2.2 The application was publicised during the period 28 June 2013 until 19 July 2013 and no objections or representations have been received up until 19 July 2013.

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

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

A representation was received on the 17 July 2013 from Ferintosh Community Council in support of the application.

3.0 Legislation

3.1 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 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 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.

3.2 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.

4.0 Summary of Application

Change to Operating Plan to increase capacity of the alcohol displays areas from 2.4 m² to 8.4 m².

5.0 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

6.0 Licensing Standards Officer's Comments

Culbokie Village Store is a small rural shop. The Premises have been inspected on a number of occasions and found to be compliant with licensing regulations.

The Premises are suitable for the sale of alcohol; the proposed displays comply with the requirements of the Mandatory Conditions. The display is capable of being supervised closely from the Sales Counter.

The operating history of the shop has been entirely trouble free. The change has been occasioned by the removal of a post office section from the shop creating a larger sales area. The alcohol increase is occasioned in the main by transferring a large proportion of stock to refrigerated display units.

It is the opinion of the LSO that there is no compromise to the licensing objectives should the Board be minded to grant this application.

7.0 Local Conditions

7.1 No change to existing Local Conditions.

8. Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/0156

Date: 28 June, 2013

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

Appendix: Letter of representation from Ferintosh Community Council dated
16 July 2013

RECEIVED

17 JUL 2013

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Ferintosh Community Council

16 Balnatua
Culbokie
IV7 8JQ
01349 877127
ferintoshcc@hotmail.com

16 July 2013

Alasdair H Mackenzie
Clerk to the Licensing Board
Council Offices
High Street
Dingwall
IV15 9QN

Your Ref. CMIHC/RSU0156

Dear Mr Mackenzie,

Application for Major Variation of Premises, Culbokie Village Stores

Further to your letter of 27 June 2013, and a meeting of the FCC on Monday 15 July, I am writing to convey support for this application.

The meeting on Monday discussed the application firstly with residents present and then formally as a community council and FCC recorded unanimous support for this application. The main tone of the meeting was that support for our village shop is important for our community. Also, we did not believe that the expanded off sales capacity would increase the risk and occurrence of anti social behaviour caused by alcohol.

Yours sincerely,

Bruce Morrison
Chair/Secretary