

**The Highland Licensing Board**

**Meeting – 17 December 2013**

Agenda Item	<b>7.2</b>
Report No	<b>HLB/150/13</b>

**Application for the grant of a Premises Licence under the Licensing (Scotland) Act 2005**

**Raasay Stores, 29/30 Inverarish Terrace, Isle of Raasay, IV40 8NS**

**Report by the Clerk of the Licensing Board**

**Summary**

This Report relates to an application for a Premises Licence for Raasay Stores, 29/30 Inverarish Terrace, Isle of Raasay, IV40 8NS.

**1.0 Background**

- 1.1 Raasay Stores is a general grocery store on the Island of Raasay selling newspapers, groceries and general commodities. The premises previously held an Off Sale Licence under the Licensing (Scotland) Act 1976 but the previous owner did not make a Grandfather Rights application under the Licensing (Scotland) Act 2005.
- 1.2 On 31 October 2013 the Licensing Board received an application for the grant of a Premises Licence from Community of Raasay Retail Association (CORRA) Ltd.
- 1.3 The Board has advertised the application on the Council's website for a period of 21 days from 4 to 25 November 2013 and the applicant has displayed a notice on site for the same period.
- 1.4 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.  
  
Notification was also sent to NHS Highland and the local Community Council.
- 1.5 No objections or representations have been received from any party.

**2.0 Legislation**

- 2.1 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.

2.2 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.

### **3.0 Summary of Application**

The applicant seeks the following **off-sale** hours:-

Monday to Saturday: 1000 to 1800

### **4.0 Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Statement
- (ii) The Highland Licensing Board combined Equality Strategy

### **5.0 Licensing Standards Officer**

The LSO has provided the following comments:-

- The hours applied for are within the policy of the Highland Licensing Board.
- The capacity sought i.e. the size of the alcohol display area, does not exceed 40sqm in line with the overprovision statement contained within the policy of the Highland Licensing Board.
- The layout plan submitted complies with the required specifications.
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- The premises would appear to be suitable for the use for the sale of alcohol.

## **6.0 Conditions**

### **6.1 Mandatory Conditions**

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

### **6.2 Local Conditions**

It is not considered necessary to attach any Local Conditions.

### **Recommendation**

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1682

Date: 3 December 2013

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