

**The Highland Licensing Board**

**Meeting – 4 February 2014**

Agenda Item	<b>10.1</b>
Report No	<b>HLB/012/14</b>

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

**Ardgay Stores and Highland Café, Main Street, Ardgay, IV24 3DJ**

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

**Summary**

This Report relates to an application for a Provisional Premises Licence for Ardgay Stores and Highland Café, Main Street, Ardgay, IV24 3DJ

**1.0 Background**

1.1 Ardgay Stores and Highland Café is a single storey convenience store and café in detached purpose-built premises adjacent to the A836 Main Street, Ardgay.

1.2 On 30 October 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from the partnership of Ardgay Stores and Highland Cafe in respect of Ardgay Stores and Highland Cafe.

1.3 The application was publicised during the period 6 December to 27 December 2013.

1.4 In accordance with standard procedure, Police Scotland, Scottish Fire & Rescue Service, the Council's TEC Services (Environmental Health) and 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.

1.5 No objections or representations have been received from these agencies.

1.6 A representation in support of the application dated 12 December 2013 has been received from Mr & Mrs Paul and Victoria Whittock and is attached to this Report.

1.7 The applicant and supporters has been invited to attend the meeting.

## **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 applicants seek the following **on-sale** hours:-

Monday to Sunday:            1100 hours to 2400 hours

The applicants seek the following **off-sale** hours:-

Monday to Sunday:            1000 hours to 2200 hours

## **4.0 Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board Equality Strategy
- (iv) Schedule of Local Conditions

## **5.0 Licensing Standards Officer**

The LSO has provided the following comments:-

5.1 The applicant seeks to operate a small convenience store with integral café within a single storey new-build development on the site of the former filling station alongside the A836 in Ardgay, Sutherland.

- 5.2 The application is for both on and off-sales. There is no bar counter on the premises and the café element of the business will be serviced from the main counter.
- 5.3 The proposed alcohol capacity of 19.8 m<sup>2</sup> falls below the threshold of 40 m<sup>2</sup> in terms of the Highland Licensing Board overprovision policy statement.
- 5.4 The applicant initially sought a customer capacity of 25 persons for the café area but now seeks to amend that capacity and reduce it to 20 persons in accordance with comments from Building Standards.
- 5.5 The licensed hours applied for are within policy for both on and off-sales premises and the activities or services to be provided are appropriate for the specified operation.

## **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**

None to apply

## **Recommendation**

That the Board consider the comments by the Licensing Standards Officer while determining this application and allows the reduction in capacity requested by the applicant, detailed at paragraph 5.4 above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1684

Date: 7 January 2014

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005

Appendix: Letter of support from Mr & Mrs P Whittock

**REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE  
APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005**

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

**1. Full Name and Address of person making objection/representation:**

	MR + MRS WHITTOCK (PAUL + VICTORIA) WOODSIDE, ARDGAY, SUTHERLAND, IV24 3DH
Telephone Number:	01863 760028
Email Address:	Paulwhittock@hotmail.com

**2. Address of Premises in respect of which objection / representation is made:**

ARDGAY STORES and Highland CAFE  
MAIN STREET  
ARDGAY  
IV24 3DJ

**3. Details of any OBJECTION:** (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
1.	Excluded Premises	
2.	Off-Sales Hours/24 hour drinking	
3.	Licensing Objectives	
4.	Activities/Premises/Customers	
5.	Over Provision	

**4. Details of any REPRESENTATION:** (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)		
1.	in support of application	<input checked="" type="checkbox"/>
2.	seeking an amendment to the operating plan, or	
3.	seeking to add additional conditions to	

Signature

Date. 12/14/15