

The Highland Licensing Board

Meeting – 1 April 2014

Agenda Item	10.1
Report No	HLB/040/14

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

The Jetty Shop, Salen, Acharacle, PH36 4JN

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for a provisional Premises Licence for The Jetty Shop, Salen, Acharacle.

1.0 Background

1.1 The Jetty Shop is located within the village of Salen on the Ardnamurchan Peninsula. In the main, the shop will stock basic grocery items, locally sourced meats and cheeses and speciality whisky, wine and beer. The premises will also provide tea, coffee and snack facilities.

1.2 On 30 January 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from Tom Jackson and Laura Hebbert.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

1.3 The application was publicised during the period 14 February until 7 March 2014 and confirmation that the site notice was displayed has been received.

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 in respect of the application.

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 hours to 2000 hours
Sunday:	1000 hours to 1800 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

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 of 7.7sqm (ie 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(s) submitted with the application complies with the required specifications;
- The premises are considered suitable for use for the sale of alcohol in accordance with the proposed application;
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

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/1695

Date: 18 March 2014

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