

The Highland Licensing Board

Meeting – 1 April 2014

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| Agenda Item | 11.10 |
| Report No | HLB/051/14 |

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

Portmahomack Post Office and Stores, Portmahomack

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of a Premises Licence for Portmahomack Post Office and Stores, Main Street, Portmahomack.

1.0 Description of Premises

- 1.1 The business premises are located on the ground floor level and occupy a prominent location in the centre of Portmahomack. The shop offers a wide selection of products and services which include post office, newspapers, magazines, off-sales and groceries.
- 1.2 The premises tendered a conversion licence under the transitional provisions in 2009.

2.0 Summary of Variation Application

2.1 Variation Sought

The applicant seeks to vary the premises licence as follows:-

- (1) Increase in alcohol capacity display area from 6.08m² to 8.19m².

3.0 Background

- 3.1 On 23 January 2014 the Licensing Board received an application for a major variation of premises licence from Mrs Vicky Taylor.
- 3.2 The application was publicised during the period 3 to 24 February 2014 and confirmation that the site notice was displayed has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, the Council's TEC Services (Environmental Health), and Planning were consulted on the application.

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

3.4 No objections or representations have been received in respect of the application.

4.0 Legislation

4.1 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 grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to; (i) the nature of the activities carried on or 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 use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

4.2 The Board has only power to either grant the application and make a variation of the conditions to which the licence is subject or, refuse the application.

4.3 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- The premises operate as a small convenience store and post office.
- The applicant intends to change the layout of the premises which will result in a small increase in alcohol capacity.
- An increase in alcohol capacity to 8.09m² does not conflict with the Board's policy on overprovision.
- I have no cause to make any objection to the grant of this variation.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Statement 2013-16
- (ii) Highland Licensing Board Equality Strategy

7.0 Conditions

7.1 Mandatory Conditions

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

7.2 Local Conditions

None to apply.

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| Recommendation |
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| The Board is invited to determine the above application. |
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Designation: Clerk to the Licensing Board

Reference: HC/CSER/0358

Date: 25 February 2014

Author: G Sutherland

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

Appendix: None