

## The Highland Licensing Board

Meeting – 13 May 2014

Agenda Item	6.1
Report No	HLB/056/14

### Application for the Grant of a Premises Licence under the Licensing (Scotland) Act 2005

Detached Garage/Store, Kinchellie Croft, Roy Bridge, PH31 4AW

Report by Clerk of the Licensing Board

#### Summary

This Report relates to an application for a Premises Licence in respect of Detached Garage/Store situated at Kinchellie Croft, Roy Bridge, PH31 4AW.

#### 1.0 Background

1.1 The detached garage/store is situated at Kinchellie Croft within the village of Roy Bridge and consists of a store room.

A Premises Licence is being sought to authorise online internet sales of whisky. No patrons will call at the premises and no alcoholic products will be on display for patrons or members of the public.

The premises are set in their own grounds with no immediate neighbours.

1.2 On 4 April 2014 the Licensing Board received an application for the grant of a Premises Licence from The Sutherland Inn Hotel Limited.

The application was accompanied by the appropriate Section 50 Certification.

1.3 The application was publicised during the period 7 April 2014 until 28 April 2014 and confirmation that the site notice was displayed has been received.

1.4 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's Community Services (Environmental Health) and Development and Infrastructure Services (Planning & 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 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 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;
- There is no alcohol display area within the premises to which the public do not have access;
- The layout plan submitted with the application complies with the required specifications;
- 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.

### **6.3 Specific Condition(s)**

It is not considered necessary to attach any Specific Conditions.

### **Recommendation**

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1701

Date: 30 April 2014

Author: AHM:ET/JT

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