

## The Highland Licensing Board

Meeting – 13 May 2014

Agenda Item	8.7
Report No	HLB/066/14

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

Drumbeg Stores, Drumbeg

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for a major variation of Premises Licence for Drumbeg Stores, Drumbeg, IV27 4NW.

#### 1.0 Description of Premises

1.1 The premises are a small village shop and post office in Drumbeg.

#### 1.2 Current Core Operating Hours

##### Off Sales:

Monday to Saturday	1000 hrs to 1700 hrs
Sunday	1300 hrs to 1700 hrs

#### 2.0 Summary of Variation Application

##### 2.1 Variation Sought

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

- (1) Increase Off Sales Hours: Monday to Sunday 1000 hrs to 2200 hrs
- (2) Minor alteration to internal layout with a consequential increase in capacity from 1.48 m<sup>2</sup> to 7.35 m<sup>2</sup>

#### 3.0 Background

3.1 On 24 March 2014 the Licensing Board received an application for a major variation of Premises Licence from the Licence holder, Mr Stephen Collie.

3.2 The application was publicised during the period 27 March to 17 April 2014 and confirmation that the site notice was displayed has been received.

A timeous notice of objection to the application was received on 1 April 2014 from Mr & Mrs Robin Dalton, a copy of which is appended.

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

- 3.4 No objections or representations have been received from these agencies.
- 3.5 The applicant and the objectors have been invited to attend the meeting.

#### **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 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.

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 objection in question.

#### **5.0 Licensing Standards Officer's Comments**

The LSO has provided the following comments:-

- The variation to licensed hours is in accordance with Board policy and an increase in capacity to 7.35m<sup>2</sup> does not conflict with the Board policy on overprovision for off-sales premises.

## **6.0 HLB Local Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement 2013-16
- (iii) Highland Licensing Board combined 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.

## **Recommendation**

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/0287

Date: 22 April 2014

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005

Appendix: Letter of Objection dated 1 April 2014

Drumbeg Hotel  
Drumbeg  
Lairg  
Sutherland  
IV27 4NW  
Tel: 01571 833236  
Email:drumbeg.hotel@yahoo.co.uk

1/4/14

Dear Sir/Madam,

We wish to respond to the letter sent to us, your reference AHM/LG dated 26/3/14.

Titled, application for variation of premises licence neighbour notification,  
Drumbeg Stores,  
Drumbeg,  
IV27 4NW

We wish to lodge an objection to the application to increase off sales hours to 10.00-22.00 hours daily.

We object on the grounds of No 5 on the letter of Overprovision. The Hotel is next door to the shop & currently offers off sales until 22.00 hours daily.

The off sales are a small part of our business but never the less an important one & help to keep us afloat.

The townships of Drumbeg, Culkein Drumbeg & Nedd between them have less than 70 residents on the electoral roll & are adequately served by the Shops off sales during the day & the Hotels off sales at night.

The villages mentioned have many holiday lets & second home owners & the majority of these bring their supplies with them from the bigger supermarkets.

To loose some of our meagre off sales trade would be another nail in the coffin for village pubs.

Yours faithfully,

Robin & Dawn Dalton