

The Highland Licensing Board

Meeting – 3 February 2015

Agenda Item	8.1
Report No	HLB/012/15

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

McColls (formerly Strath Stores), Strath, Gairloch, IV21 2BZ

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence by Martin McColl Limited.

1.0 Description of Premises

1.1 McColl's Store is situated within the village of Strath in Gairloch. The premises operate as general rural convenience store with off-sale facilities. The premises also offer a home delivery service to outlying areas which includes the provision of groceries and alcohol.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

Off sales:

Monday to Saturday: 1000 hours to 1800 hours
Sunday: Closed

3.0 Summary of Variation Application

3.1 Variation Sought

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

- (1) Increase terminal off-sale hours Monday to Saturday from 1800 hours to 2100 hours
- (2) Include within additional activities that the premises opens for other trades from 0600 hours.

4.0 Background

4.1 On 26 November 2014 the Licensing Board received an application for a major variation of a Premises Licence from Martin McColl Limited.

- 4.2 The application was publicised during the period 22 December 2014 until 12 January 2015 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

5.0 Legislation

- 5.1 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, 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 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 overprovision of licensed premises or licensed premises of that description in the locality.
- 5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

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

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) the additional hours applied for are within the policy of the Highland Licensing Board;
- (ii) the additional activities of trading from 0600 hours is appropriate for the nature of the premises;
- (iii) there would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (iv) it is noted that the existing premises description is not to change and includes that home deliveries of alcohol may be made. The Board's policy for 2013 – 2016 includes certain expectations for premises offering home deliveries. The applicant is currently considering a policy which, it is anticipated, will be lodged as part of the application for consideration by a Licensing Standards Officer and agreement by the Board. The Board may wish to consider imposing the undernoted special condition.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory Conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local Conditions

There are no existing local conditions and it is not considered necessary to attach any.

8.3 Special Condition(s)

- 1. The licence holder must operate the home delivery service of alcohol in accordance with the attached operating statement approved by the Licensing Board. No change may be made to the operating statement without an application for variation being granted by the Licensing Board.

Recommendation

The Board is invited to determine the above application and give consideration to:

- (i) If the Board are minded to grant the application as outlined at para. 3.1, in addition to the Mandatory Conditions, consideration be given to attaching an additional Special Condition referred to at para. 8.3.
- (ii) If the Board are minded to refuse 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.

Reference: HC/RSL/0111

Date: 20 January 2015

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