

The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	7.2
Report No	HLB/045/15

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

Clachtoll Beach Stores, Clachtoll, Lochinver, Sutherland

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the grant of a Premises Licence in respect of Clachtoll Beach Stores, Clachtoll, Lochinver, Sutherland.

1.0 Description of Premises

1.1 Clachtoll Beach Stores is a small shop serving a campsite and selling basic groceries. The premises will open from 1 April to 31 October each year.

2.0 Operating Hours

2.1 The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Saturday: 1000 hrs to 2200 hrs
Sunday: 1200 hrs to 2200 hrs

3.0 Background

3.1 On 18 February 2015 the Licensing Board received an application for the grant of a Premises Licence from Angus Macleod.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 16 March until 6 April 2015 and confirmation that the site notice was displayed has been received.

3.3 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.

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

- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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

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 are: -

1. that the premises are excluded premises;
 2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 3. that 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,the Board considers the premises are unsuitable for use for the sale of alcohol, or
 4. that 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 overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

- 5.1 The LSO has provided the following comments:-
- 5.2 The applicant operates a small, seasonal, convenience store at Clachtoll Beach Campsite and now wishes to sell alcohol on the premises.

5.3 The application is for off-sales only with a proposed capacity of 2m² which falls below the threshold of 40 m² in terms of the Highland Licensing Board overprovision.

5.4 It is noted that, in the operating plan, the applicant refers to an outdoor drinking area. For the avoidance of any doubt, sales of alcohol are by off-sales only and the area referred to is outwith the licensed area.

5.5 The licensed hours applied for are within policy off-sales premises.

6.0 HLB Local Policies

6.1 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 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.

Reference: HC/CSER/1732

Date: 14 April 2015

Author: L Gunn

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