

The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	10.1
Report No	HLB/049/15

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

McColls, Main Street, Castletown

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence for McColls, Main Street, Castletown.

1.0 Description of Premises

1.1 The premises were granted a licence, on transition, on 1 September 2009 and operates as a convenience store.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

Off sales:

Mondays to Sundays 1000 hrs to 2200 hrs

3.0 Summary of Variation Application

3.1 Variation Sought

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

(1) Amend the description of the premises to include the operation of a post office with ancillary services.

(2) Change the layout plan to incorporate a post office counter.

(3) Following from the changes to the layout, reduce the alcohol display capacity for off-sales from 21.37m² to 21.32m².

4.0 Background

4.1 On 12 February 2015 the Licensing Board received an application for a major variation of the Premises Licence from Martin McColl Limited.

- 4.2 The application was publicised during the period 6 to 27 March 2015 and confirmation has been received that the site notice was displayed during this time.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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.
- 5.2 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.
- 5.3 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.

5.4 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:-

6.2 Following the closure of the village post office in Castletown the business has been transferred to the applicant's premises as a consequence of which the description of the premises will change to reflect the addition of that service or activity.

6.3 The inclusion of a post office counter will require some minor changes to the layout which will result in a small decrease in the alcohol capacity.

6.4 The reduction in capacity does not conflict with the Board's policy on overprovision for off-sales premises.

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

8.3 No local conditions apply.

Recommendation

The Board is invited to determine the above application.

Reference: HC/CSER/0893

Date: 27 April 2015

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