

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	9.12
Report No	HLB/095/15

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Skiach Services Restaurant, Evanton

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence for Skiach Services Restaurant, Evanton Estate, Evanton.

1.0 Description of Premises

1.1 The premises were granted a licence on transition on 1 September 2009 and operate as a restaurant with services and takeaway facilities. The Skiach Filling Station was granted a separate premises licence at transition.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

On sales:

Mondays to Saturdays 1100 hrs to 2300 hrs
Sundays 1230 hrs to 2300 hrs

Off sales:

Mondays to Saturdays 1100 hrs to 2200 hrs
Sundays 1230 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) Surrender the existing premises licence HC/CSER/1336 in respect of Skiach Filling Station

(2) Amend the premises licence for Skiach Services Restaurant to incorporate Skiach Filling Station and its activities and services within the layout and location of the premises

(3) Amend the description and change the name of the premises to “Skiach Services” to reflect the amendments to the operating plan

(4) Add off-sales hours as an activity or service to be provided in the shop only from 1000 hrs to 2200 hrs daily

(5) Reduce on-sales hours within the restaurant to terminate at 2100 hrs daily but to commence at 1100 hrs on a Sunday

(6) Add filling station as an activity outwith core hours

(7) Add gaming as an activity to be provided in the shop (lottery terminal)

(8) Amend the children and young persons policy at 6(e) – children and young persons to be permitted to all public parts of the premises

4.0 Background

4.1 On 30 June 2015 the Licensing Board received an application for a major variation of the premises licence from Gleaner Oils Limited.

4.2 The application was publicised during the period 6 to 27 July 2015 and confirmation is awaited 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 the publication and consultation process, no objections/representations have been received.

4.6 The applicant has been invited to attend the Hearing and has been advised of the procedure which will be followed at the meeting.

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 applicant operates a restaurant and separate filling station and shop on one site at Skiach, Evanton.

6.2 As a consequence of section 123 of the Act, which refers to excluded premises, separate premises licences applications for the restaurant and the filling station and shop were lodged at the time of transition. Following a hearing the former Caithness, Sutherland Easter Ross Divisional Licensing Board determined that the filling station and shop premises were not excluded premises by virtue of the fact that persons in the locality of the premises were, or were likely to become reliant to a significant extent on the premises as the principal source of petrol or derv or groceries within the locality and both premises licences were granted with effect from 1 September 2009.

6.3 Following a review of the premises licensing requirements the applicant now seeks to bring the operation of the filling station and shop within the operating plan for the restaurant as a consequence of which they will surrender the premises licence HC/CSER/1336 for Skiach Services Filling Station.

6.4 Combining the operations within one premises licence should not conflict with any of the licensing objectives. The proposed changes to the list of activities and services to be provided and to the policy for children and young persons are reasonable and appropriate for the premises which do not contain a bar counter.

6.5 I am not aware of material change in circumstances which would affect the original decision of the Board to conclude that the filling station was not excluded premises. The alterations to the listed activities and services do not affect the historical operation of the business.

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 Retain existing local condition.

Recommendation

The Board is invited to determine the above application.

Reference: HC/CSER/0399
Date: 27 July 2015
Author: G Sutherland
Background Papers: The Licensing (Scotland) Act 2005/Application Form.