

The Highland Licensing Board

Meeting – 08 December 2015

Agenda Item	8.1
Report No	HLB/124/15

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

Lochcarron Food Centre, Main Street, Lochcarron, IV54 8YD

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence for Lochcarron Food Centre, Main Street, Lochcarron, IV54 8YD.

1.0 Description of premises

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

2.0 Current operating hours

2.1 The premises currently enjoy the following operating hours:

Off sales:

Mondays to Saturdays 1000 hrs to 1800 hrs

Sundays 1000 hrs to 1600 hrs

3.0 Summary of variation application

3.1 Variation sought

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

Increase off sales core hours on Mondays to Sundays from 1000 hrs to 2200 hrs.

Remove seasonal variation to accommodate all year round trading hours.

4.0 Background

4.1 On 8 October 2015 the Licensing Board received an application for a major variation of the premises licence from Emma Louise MacLean.

- 4.2 The application was publicised during the period 14 October 2015 to 4 November 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, Lochcarron.
- 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 variation is:

1. to increase licensed hours:

Current off-sales hours are Monday to Saturday 1000 hrs to 1800 hrs and Sunday 1230 hrs to 1600 hrs. The proposed hours are 1000 hrs to 2200 hrs Monday to Sunday and

2. Remove seasonal variation to accommodate all year round trading hours.

6.2 The premises operate as a food centre with off-sales capacity. Following a review of trading opportunities the licence holder wishes to increase licensed hours in line with Board policy and remove the seasonal variation restricting trading hours during the off-season.

6.3 The hours sought are within policy for off-sales and removal of the seasonal variation should not conflict with any licensing objective.

6.4 I have no cause to object to or make any representations in respect of this non-minor variation application.

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/RSL/0301

Date: 12 November 2015

Author: Catherine MacLennan

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