

The Highland Licensing Board

Meeting – 05 January 2016

Agenda Item	6.2
Report No	HLB/005/16

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

Great Glen Trading Centre, Tartan House, Glen Service Station, Dunard, Fort Augustus PH32 4DT

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by the Partnership of the Great Glen Trading Centre, Tartan House, Glen Service Station, Dunard, Fort Augustus, PH32 4DT per Robbie Girvan

1.0 Description of Premises

1.1 The premises consist of a shop premises stand alone with a garage forecourt and workshop It is a rural resource with a variety of goods and services; shop selling groceries, clothing, etc., and alcohol for consumption off the premises. The premises are located in a rural setting with a mixture of commercial and domestic properties in the vicinity.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

Off sales:

Monday to Saturday 1000 hours to 2200 hours
Sundays: 1230 hours to 2200 hours

3.0 Summary of Variation Application

3.1 Variation Sought

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

Operating Plan:

1. amend Off Sale hours: Sundays 1000 hours to 2200 hours

Layout Plan:

1. amendment to capacity - increase to 21.75m² (from 19.1m²)

4.0 Background

- 4.1 On 6 November 2015 the Licensing Board received an application for a major variation of a premises licence from the Great Glen Trading Centre Partnership, per Robbie Girvan.
- 4.2 The application was publicised during the period 16 November until 7 December 2015 and confirmation that the site notice was displayed has been received.
- 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, Fort Augustus and Glenmoriston.
- 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:-

The increase in core hours applied for is within the policy hours of the Highland Licensing Board.

The increase to the capacity sought of 21.75m² (i.e. the size of the alcohol display area) does not exceed the 40m² limit in the overprovision statement contained within the policy of the Highland Licensing Board.

The layout plan submitted with the proposed changes complies with the required specifications.

The premises have been visited on several occasions and found to be compliant in observing the requirements of the Licensing (Scotland) Act, 2005.

There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

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 Conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

If the Board is 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/INBS/163

Date: 9 December 2015

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