

## The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	6.1
Report No	HLB/058/16

### Application for the grant of a premises licence under the Licensing (Scotland) Act 2005

Glendale Shop and Post Office, 2 Lephin, Glendale, Isle of Skye, IV55 8WJ

### 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 Glendale Shop and Post Office, 2 Lephin, Glendale, Isle of Skye, IV55 8WJ

#### 1.0 Description of premises

1.1 The Glendale Shop and Post Office is situated in a scattered rural community about 8 miles from Dunvegan. The premises are a convenience store and community branch post office.

#### 2.0 Operating hours

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

##### Off sales

Monday to Saturday: 1000 hours to 1930 hours

#### 3.0 Background

3.1 On 24 June 2016 the Licensing Board received an application for the grant of a premises licence from Homisdale Partners.

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 30 June 2016 until 21 July 2016 and confirmation that the site notice was displayed has been received.

3.3 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.

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](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:-

(1) The applicant, a family partnership, will operate a convenience store and community branch Post Office.

- (2) Licensed hours are for off-sales only from 1000 hours to 1930 hours daily Monday to Saturday. The premises will not trade on any Sunday.
- (3) The premises have not previously held an alcohol licence and the applicant intends to stock only a small amount of alcohol amounting to 3.84m<sup>2</sup> in an accessible area. Such an amount does not conflict with the Board's policy on overprovision.
- (4) In addition to the usual services the applicant intends to offer home deliveries which may include alcohol and has included an acceptable method of operation to cover such deliveries
- (5) All activities and services referred to in the operating plan are appropriate for this type of operation.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board 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**

No local conditions are considered necessary.

### **7.3 Special conditions**

The Board may wish to consider attaching the following special conditions:

- (1) The licence holder must operate the home delivery service of alcohol in accordance with the attached operating statement approved by the Licensing Board. No change may be made to the operating statement without an application for variation being granted by the Licensing Board.

**Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition detailed at para. 7.3.

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/RSL/1777

Date: 22 July 2016

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