

## The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	8.10
Report No	HLB/075/16

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

McColls, Shopping Centre, Glenloy Street, Caol, Fort William, PH33 7DR

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for a major variation of premises licence by Martin McColl Limited, Martin McColl House, Ashwells Road, Brentwood, Essex.

#### 1.0 Description of premises

1.1 McColls Store is situated within the village of Caol on the outskirts of Fort William. The premises operate as a general convenience store with off-sale facilities.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### Off sales:

Monday to Sunday                      1000 hours to 2000 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- (1) Increase off-sale terminal hours from 2000 to 2200 hours, Monday to Sunday.
- (2) Increase off-sale display capacity from 7.29 square metres to 16 square metres.
- (3) Change the name of the premises from K K Cameron to McColls.
- (4) Include within additional activities an increase to the general trading hours, namely 0600 hours to 2300 hours.

## **4.0 Background**

- 4.1 On 20 June 2016 the Licensing Board received an application for a major variation of a premises licence from Martin McColl Limited.
- 4.2 The application was publicised during the period 5 July 2016 until 26 July 2016 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.
- 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](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:-

- (i) The premises of K K Cameron in Caol, Fort William are a long-established licensed general merchants which has recently transferred to McColl's Limited.

Accordingly, a major variation application has been submitted to modernise the licence following a change of ownership.

- (ii) Application is made to operate core licensed hours from 1000 hours to 2200 hours, this is in line with current Board Policy and the hours allowed for off sales are within those permitted by the Licensing (Scotland) Act 2005.
- (iii) The capacity of the alcohol approved area has been increased to 16 square metres which is well below the threshold for the Board to consider in terms of overprovision.
- (iv) The premises name has been changed to that of the new licence holder and Section 5(f) of the operating plan has been updated in order to accurately reflect the overall trading hours of the premises.
- (v) The LSO is of the opinion that should the Board be minded to grant this application then there will be no adverse effect in respect of the licensing objectives.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy
- (3) Highland Licensing Board Policy Hours

## **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/RSL/0197

Date: 27 July 2016

Author: Julie Traynor

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