

## The Highland Licensing Board

Meeting – 1 November 2016

Agenda Item	6.3
Report No	HLB/103/16

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

Flossie's Beach Store, Clachtoll Holiday Park, 135 Clachtoll, Lochinver, IV27 4JD

### Report by the Clerk to the Licensing Board

#### Summary

This Report relates to an application for a major variation of premises licence by Marianne Simpson.

#### 1.0 Description of premises

1.1 The premises are a small shop serving campsite, selling basic groceries, filled rolls and alcohol.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### Off sales:

Monday to Saturday: 1000 hrs to 2200 hrs  
Sunday: 1200 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) Amend the operating plan to remove the seasonal variation to allow the sale of alcohol all year round.

#### 4.0 Background

4.1 On September 2016 the Licensing Board received an application for a major variation of a premises licence from Marianne Simpson.

4.2 The application was publicised during the period 22 September until 13 October 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:-

6.2 Following a review of trading opportunities the applicant seeks removal of the current seasonal variation – the shop will be open from 1 April through to 31 October each year – so as to allow year round trading.

6.3 I have no cause to object to the grant of the variation.

## **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/CSER/1732

Date: 14 October 2016

Author: L Gunn

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