

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	8.4
Report No	HLB/034/17

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

JS and TT Limited t/a Jim Bews, 10 Olrig Street, Thurso

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 JS and TT Limited t/a Jim Bews, 10 Olrig Street, Thurso.

1.0 Description of premises

1.1 Ground floor of two storey retail premises operating as a newsagent, bookshop and sale of pet supplies, stationery gifts and small range of foodstuffs.

2.0 Operating hours

2.1 The applicant seeks the following hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 14 February 2017 the Licensing Board received an application for the provisional grant of a premises licence from JS and TT Ltd.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.3 The application was publicised during the period 17 February to 10 March 2017 and confirmation that the site notice was displayed during this time has been received.

3.4 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.

3.5 Notification of the application was also sent to NHS Highland and the local Community Council.

- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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

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.
- 4.2 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.
- 4.3 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:-
- 5.2 The applicant operates a two storey premises as a newsagent, bookshop, pet-food supplier, and retailer of stationery, gifts and a small range of foodstuffs. He now wishes to sell alcohol from the premises.

- 5.3 The application is for off-sales only. The proposed hours are 1000 hrs to 2200 hrs daily. The premises will be open for other business prior to that commencement time.
- 5.4 The off-sales capacity is 19.92m² which does not conflict with the Board's policy on off-sales overprovision. The display of alcohol is located where it can be monitored by staff at the sales counter.
- 5.5 All activities and services referred to in the operating plan are appropriate for this type of business.

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 will apply.

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/CSR/1815

Date: 14 March 2017

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