

The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	9.5
Report No	HLB/053/17

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

Knoydart Foundation Community Shop, Knoydart, By Mallaig, PH41 4PL

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 Knoydart Foundation Community Shop, Knoydart, by Mallaig, PH41 4PL.

1.0 Description of premises

1.1 The Knoydart Foundation Community Shop is situated within the rural village of Inverie on the Knoydart Peninsula. The premises operates as a general convenience store selling a variety of groceries and household goods.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 20 March 2017 the Licensing Board received an application for the grant of a premises licence from Knoydart Trading Limited, Inverie, Knoydart, By Mallaig, PH41 4PL.

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 8 May 2017 until 29 May 2017 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & 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://highland.gov.uk/hlb_hearings

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:-
- (i) Application has been made via the Knoydart Foundation to establish a small community shop, in the Knoydart peninsula to resource local and tourist trade. The shop will stock a quantity of alcohol for off sales only.
 - (ii) The application has been accompanied by the required section 50 certificates in relation to Planning, Building Standards and Food Hygiene.

- (iii) The hours requested are within the policy hours of the Highland Licensing Board.
- (iv) The alcohol capacity is well within the threshold set by the Highland Licensing Board for consideration of the question of overprovision.
- (v) The operating plan submitted is in keeping with the 5 licensing objectives. During the application process the LSO has liaised with the premises manager and is satisfied she has achieved a good grasp of the requirements of the current legislation.
- (vi) Following the statutory consultation period no objections or representations have been received.

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

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/1824

Date: 30 May 2017

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