

The Highland Licensing Board

Meeting – 3 October 2017

Agenda Item	9.8
Report No	HLB/115/17

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

Dornoch Stores, 12 Castle Street, Dornoch, IV25 3SN

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Skelbo Global Ventures Ltd.

1.0 Description of premises

1.1 The premises are a single storey food store with capacity for hardware items and gifts on a corner site of a terraced block on Castle Street, Dornoch.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Sunday: 1000 hours to 2100 hours

3.0 Summary of variation application

3.1 Variation sought

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

(1) Add on sales hours from 1700 hrs to 2100 hrs on each day.

(2) Add to any other activities "On sales of alcohol will only take place when the premises are used exclusively for formal product tasting and sampling events and entry to the premises will be restricted to invited guests and ticket holders only."

4.0 Background

4.1 On 17 August 2017 the Licensing Board received an application for a major variation of a premises licence from Skelbo Global Ventures Ltd.

- 4.2 The application was publicised during the period 28 August until 18 September 2017 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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://highland.gov.uk/hlb_hearings

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. that 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 the same or similar description as the subject premises, 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 To satisfy customer and supplier demand for product sampling and tasting the applicant wishes to sell alcohol by on-sales in addition to off-sales but on-sales of alcohol will only take place when the premises are used exclusively for formal product tasting and sampling and entry to the premises will be restricted to invited guests and ticket holders only.

6.3 The licence holder does not expect that such events would take place on a regular basis and the principal operation of the business will remain predominantly as a food store.

6.4 The variations sought are reasonable and appropriate for this type of business and should not cause conflict with any of the licensing objectives. 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

The Board may wish to consider attaching the following special condition(s):

1. The sale of alcohol for consumption on the premises shall only take place when the premises are used exclusively for formal product tasting and sampling and entry to the premises will be restricted to invited guests and ticket holders only.

2. At any time when the sale of alcohol for consumption on the premises takes place a notice shall be displayed at each entrance to the premises which states that persons under the age of 18 years are not permitted on the premises.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition(s) detailed at para 8.3 above.

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/0831

Date: 19 September 2017

Author: L Gunn

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