

The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	9.12
Report No	HLB/032/18

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

Drumnadrochit Post Office, Main Street, Drumnadrochit, IV63 6TX

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Robert David Cockburn, Drumnadrochit Post Office, Main Street, Drumnadrochit, IV63 6TX.

1.0 Description of premises

1.1 Drumnadrochit Post Office is situated in the centre of the village and stocks a range of food stuffs, household goods and off sales. The premises include a licenced tea room and outside drinking area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Saturday: 1000 hours to 2200 hours
Sunday: 1230 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

1. Addition of on sales facility 1000-2200 hrs.
2. Off sales to commence at 1000 hrs on Sunday.
3. Addition of Tea Room to the shop area, and inclusion of outside drinking area.
4. Capacity of premises: Tea Room: 16; outside drinking area: 20 persons.
5. Childrens Policy to read:
6(b) times: Children of appropriate maturity will be granted access unaccompanied at managements' discretion. Otherwise, very young children require adult supervision.

Young persons can have access without adult supervision.

6(c) ages: 0-17.

6(d) times: At all times the premises are open as per the terms of 6(b).

6(e) parts; All public area of the premises inclusive of the outside drinking area.

7. Description of premises to read: "Drumnadrochit Post Office is a rural area shop selling a range of food stuffs and household goods. Off sales are displayed for sale. The premises include a licensed tea room and outside drinking area."

8. On to activities: restaurant facilities, receptions, music and outdoor drinking.

9. Under other activities: "Take Away meals and non-alcoholic beverages are offered within the range of services."

4.0 Background

4.1 On 12 February 2018 the Licensing Board received an application for a major variation of a premises licence from Robert David Cockburn.

4.2 The application was publicised during the period 15 February until 8 March 2018 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 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.3 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.

5.4 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) Drumnadrochit post office is a rural general grocery shop situated within the centre of the village of Drumnadrochit, beside the A82 trunk road. The premises have held an alcohol premises licence since the commencement of the Licensing (Scotland) Act 2005 for off sales. The premises have been well run by the current licence holder and compliance checks carried out by the LSO have shown good compliance with the legislation.

(ii) Application has been made by the licence holder to broaden the licence in order to cover the sale of alcohol on the premises within a tea room, incorporated within the footprint of the premises. These premises have been inspected by the LSO who has no issues in respect of the licensing objectives. The premises already offers a large selection of takeaway and sit in foods. Also to be included within the licensed footprint is a small garden area to the side of the premises which has been equipped with benches and tables. Here, customers can eat and consume beverages purchased within the shop. The area is capable of being well supervised by the staff.

(iii) The on sales hours are well within policy. A start time has been requested for 1000 hrs which, as the premises are very much food led and have a full menu, complies with the current Board policy in respect of "early opening"

premises. The applicant accepts the recommended local licensing condition requiring all alcohol sales made prior to 1100 hrs to be as an accompaniment to food.

(vi) The range of activities proposed within the operating plan pose no problem to the licensing objectives and the children and young persons' policy is suitable for the type and operation of these premises.

(v) Off sales on Sundays are amended to commence from 1000 hrs for customers convenience.

(vi) No local condition as respects hours of operation for the outdoor drinking area is proposed as the terminal hour of 2200 hrs will ensure there is no noise nuisance caused.

(vii) From the public consultation carried out in respect of this application no objections or representations have been received.

(viii) Should the Board be minded to grant this application the LSO is confident there will be no adverse impact on 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

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 but the following local condition(s) are now recommended:

F(2) Alcohol may be sold on the premises prior to 1100 hours only to persons taking table meals.

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para. 8.2 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/INBS/438
Date: 12 March 2018
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