

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.14
Report No	HLB/076/18

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

John O’Groats Knitwear Co, County Road, John O’Groats

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Edinburgh Woollen Mills Limited.

1.0 Description of premises

1.1 John O’Groats Knitwear Co is a Scottish tourist shop with a separate unlicensed cafeteria situated at John O’Groats.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Amend layout plan due to an increase in the alcohol display capacity from 1.17m² to 4m².
- (2) To list of activities during and outwith core hours add restaurant facilities and provide explanation for this.

3.0 Background

3.1 On 9 April 2018 the Licensing Board received an application for a major variation of a premises licence from The Edinburgh Woollen Mills Limited.

3.2 The application was publicised during the period 20 April to 11 May 2018 and confirmation that the site notice was displayed has been received.

3.3 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.

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.

4.1 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.

4.3 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.

4.4 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.

4.5 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

An increase in off-sales capacity from 1.17 to 4m² does not conflict with Board policy on overprovision.

There is a cafeteria on the premises which was formerly excluded from the licensed area and the applicant now wishes to extend the licensed area to include it. The applicant has chosen not to apply for on-sales so consumption of alcohol within the café is not permitted.

I am satisfied that the applicant has given full consideration to the licensing objectives and I have no cause to object to the variation of the premises licence.

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

There are no existing local conditions and it is not considered necessary to attach any.

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/1437

Date: 12 June 2018

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