

## The Highland Licensing Board

Meeting – 7 August 2018

Agenda Item	8.2
Report No	HLB/084/18

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

Ferry Stores, Kilchoan, PH36 4LH

### 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 the Ferry Stores, Kilchoan.

#### 1.0 Description of premises

1.1 The Ferry Stores is located in the remote village of Kilchoan and operates as a general retail store and offers post office facilities.

#### 2.0 Operating hours

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

**Off sales:**

Monday to Sunday: 1000 hours to 1800 hours

#### 3.0 Background

3.1 On 11 May 2018 the Licensing Board received an application for the grant of a premises licence from Mr David W Doherty.

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 2 July 2018 until 23 July 2018 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. However, a response is still awaited from the Fire Authority as the applicant was in the process of finalising a fire risk assessment for the premises to support completion of a fire safety checklist.
- 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](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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
  3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
  4. 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
  5. 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.
- 4.2 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.

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:-

- (i) The Ferry Stores is situated in the remote village of Kilchoan on the Ardnamurchan Peninsula. Following the bereavement of the former premises licence holder, the premises licence failed to be transferred under the 28-day allowance which resulted in the premises licence ceasing to have effect.
- (ii) The new owner wishes to maintain the business continuity and has therefore applied for a new premises licence and has adopted the same operating plan previously enjoyed under the former alcohol premises licence, with the exception of extending the trading hours on a Sunday from 1530 hours to 1800 hours to allow for flexibility of trading.
- (iii) The layout plan of the premises remains the same as the former premises licence.
- (iv) The alcohol display capacity for the shop area remains the same as previously enjoyed and is well within the current threshold set by the Board for consideration of over provision.
- (v) The Licensing Standards Officer is of the opinion that if the Board were minded to grant the application there would be no issue in respect of any of the licensing objectives.

## **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/1868

Date: 24 July 2018

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