

The Highland Licensing Board

Meeting – 2 October 2018

Agenda Item	8.2
Report No	HLB/092/18

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

Glencoast, 15/17 Dunrobin Street, Helmsdale, KW8 6JA

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 Glencoast, 15/17 Dunrobin Street, Helmsdale, KW8 6JA.

1.0 Description of premises

1.1 Glencoast is a single storey building, fishing tackle and country retail shop attached to a private residential house.

2.0 Operating hours

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

Off sales:

Monday to Saturday: 1000 hrs to 1800 hrs

3.0 Background

3.1 On 16 August 2018 the Licensing Board received an application for the grant of a premises licence from Yvonne Grant.

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 20 August until 10 September 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.

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 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:-

5.2 The applicant operates a fishing tackle and country goods shop from premises on Dunrobin Street, Helmsdale. In addition to serving anglers the shop attracts general tourist trade and the applicant now wishes to stock a small amount of alcohol in addition to some other niche products.

- 5.3 The premises will fall within an over-provision category of off-sales only. Only one other premises in Helmsdale sells alcohol exclusively by off-sales.
- 5.4 The capacity of alcohol displayed for sale is 5.04 m² and, as such, falls below the overprovision threshold of 40 m² in terms of the Highland Licensing Board overprovision policy statement.
- 5.5 The licensed hours applied for are within policy for off-sales premises and the activities or services to be provided are appropriate for this type of business.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement 2013-18
- (iii) 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

None to apply.

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/CSR/1876

Date: 13 September 2018

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