

The Highland Licensing Board

Meeting – 2 October 2018

Agenda Item	10.7
Report No	HLB/103/18

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

Spean Bridge Woollen Mill, Spean Bridge, PH34 4EP

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 Mill Limited.

1.0 Description of premises

1.1 The premises is located within the village of Spean Bridge and comprises of a large retail visitor centre with weaving exhibition and displays and a licensed restaurant.

The store sells a wide range of clothing, woollen goods, gifts and tourist items as well as a range of speciality liquor.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 1700 hours
Sunday: 1200 hours to 1700 hours

Off sales:

Monday to Sunday. 1000 hours to 1730 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (i) Increase on-sale opening time on Sunday to 1100 hrs (previously 1200 hrs).

- (ii) Increase on-sale terminal hour Monday to Sunday to 2200 hrs (previously 1700 hrs).
- (iii) Replace existing seasonal variation with a statement to permit the premises to take advantage of any extension the Board may grant in relation to extended hours.
- (iv) Include additional activities within operating plan namely club or other group meetings and live performances to take place both within and outwith core hours.
- (v) Amend activities within operating plan to permit recorded music to be played both within and outwith core hours.
- (vi) In relation to column 4 entries in the operating plan, remove current statement and update to allow all relevant activities to be provided outwith core hours.
- (vii) At 5(f), remove current statement and replace with a statement detailing all activities which may take place within the premises.
- (viii) Update children's policy to permit children and young persons access to all public areas at all times.

4.0 Background

- 4.1 On 27 July 2018 the Licensing Board received an application for a major variation of a premises licence from The Edinburgh Woollen Mill Limited.
- 4.2 The application was publicised during the period 27 August 2018 until 17 September and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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:-

- The Spean Bridge Woollen Mill is a large detached retail outlet within the centre of Spean Bridge, Lochaber. The premises comprise a large shop selling clothing and other Scottish products including a high quality range of alcohol for off sales. There is a large restaurant with seating which also supplies alcohol for on consumption by customers.
- The premises are popular with tourists many of whom visit the premises as part of organised coach tours. The premises have an excellent operating history and compliance checks carried out by the LSO have shown very good standards of compliance with the requirements of the 2005 Act.
- Application has been made via Agents, TLT solicitors to modernise the current premises licence to allow greater trading opportunities.

- Alteration is requested to the trading hours allowing on sales to be made from 1100 hrs on Sundays. The restaurant is a busy facility offering a full menu throughout operating hours.
- The terminal hour for the premises is required to be moved until 2200 hrs, which will allow coverage of expanded summer trading hours and likewise for the festive season. Off sales are co-terminously altered to conclude at 2200 hrs. Such changes of hours are within the current policy hours of Highland Licensing Board and the 2005 Act.
- The range of activities listed at section 5 of the operating plan has been expanded to cover all potential aspects of activities taking place on the premises and the time in which they may be offered.
- Similarly a generic allowance to take up any extended licensing hours offered by the Highland Board is included at Section 3 of the operating plan.
- Lastly the children and young person's policy has been updated to allow access at any time during the operating hours of the premises.
- Having reviewed all the proposed changes within the application the LSO is of the opinion that they are compliant with the licensing objectives and fit with current HLB Policy.

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:

- (Q) The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period

terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

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/RSL/0269
Date: 19 September 2018
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