

The Highland Licensing Board

Meeting – 2 October 2018

Agenda Item	10.9
Report No	HLB/105/18

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

Mairi MacIntyre, 67 High Street, Fort William, PH33 6DN

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 trades as a Scottish tourist retail store and is situated within Fort William High Street. The store sells a wide range of clothing, woollen goods, gift and tourist items, including a small range of off-sales speciality liquor aimed at the gift and tourist market.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Saturday. 1000 hours to 1730 hours
Sunday: 1000 hours to 1500 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Increase off-sale terminal hour Monday to Sunday to 2200 hours. (Previously 1730 hrs – Monday to Saturday and 1500 hrs on Sunday).
- (2) Include additional activities within operating plan namely receptions; club or other group meetings and live performances to take place both within and outwith core hours

- (3) Amend activities within operating plan to permit recorded music to be played both during and outwith core licensed hours.
- (4) 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.
- (5) At 5(f), remove current statement and replace with a statement detailing all activities which may take place within the premises.

4.0 Background

- 4.1 On 22 August 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 2018 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 premises concerned are a long established shop selling knitwear goods and other bespoke Scottish produce including a range of high quality alcohol. Sales are progressed by way of off sales only.
- The premises have a trouble free operating history and LSO visits to this and other stores owned by the premises licence holder have shown strong standards of compliance to the requirements of the Licensing (Scotland) Act 2005.
- Application has been made to modernise the current core hours of the premises to allow the full range of off sales hours from 10.00hrs until 22.00hrs. This will allow the premises to operate a degree of flexibility such as extended trading during the summer months and also in the run up to the festive season.
- The range of activities listed at section 5 has been expanded to accurately reflect the range of activities undertaken by the store.
- The LSO has reviewed the revised operating plan and is of the opinion that the proposed changes do not affect the licensing objectives in any adverse manner.

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 and it is not considered necessary to attach any.

8.3 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/1452
Date: 19 September 2018
Author: IC/JT