

**The Highland Licensing Board**

**Meeting – 4 December 2018**

Agenda Item	<b>8.2</b>
Report No	<b>HLB/127/18</b>

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

**Rankins Stores and Post Office, Uig, Isle of Skye, IV51 9XP**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Ronald MacKinnon, Rankins Stores and Post Office, Uig, Isle of Skye, IV51 9XP.

**1.0 Description of premises**

1.1 The premises operate as a convenience store and post office.

**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.

**3.0 Summary of variation application**

**3.1 Variation sought**

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

- (1) Increase off sales hours to terminate at 2000 hours Monday to Saturday;
- (2) Increase off sales capacity to 20.6m<sup>2</sup> from 10.4m<sup>2</sup>;
- (3) Add that the premises may trade from prior to 1000 hours on any day, Monday to Saturday;
- (4) To the list of activities to be provided during and outwith core licensed hours add music (recorded);
- (5) To list of other activities add home deliveries, click and collect of Harris Distillers products, post office services and lottery.

## **4.0 Background**

- 4.1 On 22 October 2018 the Licensing Board received an application for a major variation of a premises licence from Ronald MacKinnon.
- 4.2 The application was publicised during the period 26 October 2018 until 16 November 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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](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:-

- (i) The premises currently operate as a convenience store and post office. Off sales hours are 1000 hours to 1730 hours Monday to Saturday. The premises do not open on a Sunday. The off sales capacity is 10.4m<sup>2</sup>;
- (ii) A tenant has taken on the premises and, arising from a review of the trading opportunities, wishes to make amendments to the operating plan;
- (iii) The premises will now remain open until 2000 hours daily and the alcohol display area is to be extended to 20.6m<sup>2</sup> from 10.4m<sup>2</sup>. The increase in capacity does not conflict with the Board's policy on overprovision;
- (iv) The applicant has provided me with a copy of a statement on the method of operation for home deliveries and "click and collect" and I am satisfied that the statement covers all matters in support of the Board's expectations;
- (v) The variations sought are reasonable and appropriate for this type of business and I have no cause to object to the grant of the variation.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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/1256  
Date: 19 November 2018  
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