

The Highland Licensing Board

Meeting – 19 February 2019

Agenda Item	8.4
Report No	HLB/019/19

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

The Store, Bettyhill, KW14 7SS

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Clean Bees Ltd, Tir Na Nog, Achina, Bettyhill.

1.0 Description of premises

1.1 Licensed Grocer.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Saturday: 1000 hours to 1800 hours

Sunday: 1230 hours to 1430 hours

3.0 Summary of variation application

3.1 Variation sought

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

1. Add on sales licensed hours daily Monday to Sunday from 1100 hrs to 0100 hrs the following day.

2. Increase off sales licensed hours to terminate daily at 2200 hrs and on Sunday to commence at 1000 hrs.

3. Add a seasonal variation to take advantage of any additional hours agreed by the Board for the festive period.

4. To list of activities during and outwith core hours, add restaurant facilities, receptions, club meetings, music, live performances, dance, gaming, televised sport and outdoor drinking.

5. To other activities add, charity and fundraising events, operation of a laundry, food and drink tastings, supply of takeaway snacks and snack meal, use as a pop-up shop by third parties, collection point for parcel deliveries.

6. Delete existing description of premises and substitute "The premises are located within a single storey detached building and operate as a café and small convenience store with a limited range of foodstuffs and gifts with an attached store and laundry. The main publically accessible room may be made available for use as a pop-up shop by third parties. There is no bar counter on the premises and sales of alcohol will not be restricted to persons taking a meal on the premises".

7. Alterations to the layout following change of the main function of the premises and inclusion of an outdoor drinking area.

8. Add on sales capacity of 50 persons.

4.0 Background

4.1 On 17 December 2018 the Licensing Board received an application for a major variation of a premises licence from Clean Bees Limited.

4.2 The application was publicised during the period 7 January 2019 until 28 January 2019 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, the following notice of support has been received:

- Letter dated 21 January 2019 from Bettyhill, Strathnaver and Altnaharra Community Council

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.

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:-

6.2 The premises currently operate as a convenience store with off-sales hours 1000 to 1800 hrs daily Monday to Saturday and 1230 hrs to 1430 hrs on a Sunday.

6.3 The applicant has recently taken over the business and premises licence and intends to fundamentally change the business plan and will no longer operate solely as a convenience store. It is noted that there is one other convenience store in the village.

- 6.4 The proposal is to make full use of the premises as a small multi-purpose venue centred around a café style business with a small retail section for foodstuffs and other products. The applicant also operates a small commercial laundry in a part of the premises. Facilities and equipment can be provided on the premises to allow use of the premises as an informal meeting place, for small social functions and private parties and the applicant also intends to make the premises or parts of the premises available to “pop-up shop operators who wish to showcase their own products on an occasional basis. The premises can accommodate up to 50 persons.
- 6.5 The proposed capacity for alcohol for off-sales is 8.4m² which does not conflict with the Board’s overprovision policy for off-sales.
- 6.6 There is no bar counter on the premises. It is not anticipated that on-sales of alcohol will not be a significant element of the business but very much a service which can be provided as and when required.
- 6.7 In terms of entry to the premises by children and young persons the applicant does not wish to impose any general restrictions prior to 2200 hrs unless there are specific good reasons to do so. After 2200 hrs all children must be accompanied by an appropriate adult.
- 6.8 I am satisfied that the applicant has given due consideration to the licensing objectives and I gave no cause to object to the grant of the licence.

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

None to apply.

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/CSR/0854

Date: 4 February 2019

Author: L Gunn

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

Appendix: Letter dated 21 January 2019 from Bettyhill, Strathnaver and Altnaharra Community Council

Bettyhill, Strathnaver and Altnaharra Community Council

Tir Alainn, Bettyhill, By Thurso, Caithness, KW14 7SP

Laura Gunn

Admin Assistant Licensing

Chief Executive's Office

Drummuie

Golspie

KW10 6TA

Dear Ms Gunn

RECEIVED

22 JAN 2019

The Highland Council
Drummuie

Clean Bees Application re Licensing at The Store, Bettyhill

We understand that Joanna Mackenzie has applied for a number of variations in the licensing of The Store, Bettyhill, previously a licensed general store, and that her application is being considered by the Licensing Board shortly.

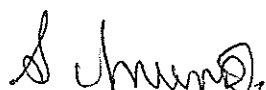
The aspirations she has for The Store, which she is currently running as a café, are fully supported by the Community Council. We concur with her that the plans she has will increase the sustainability of the existing enterprise and that it will then provide a service not currently available within our area.

Mrs Mackenzie's entrepreneurial activities are already providing a significant number of jobs in North Sutherland and in Caithness and we are keen to support her in her endeavours.

Please acknowledge receipt of this letter and confirm that its contents will be made known to the Licensing Board prior to their consideration of this matter.

I look forward to hearing from you.

Yours sincerely



Sandra Munro (Chair of the Community Council)

Monday 21st January 2019