

Highland Licensing Board

Meeting – 29 March 2022

Agenda Item	7.2
Report No	HLB/018/22

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

Isle of Eigg Shop (New), An Laimhrig, Isle of Eigg, PH42 4RL

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Isle of Eigg Shop (New), An Laimhrig, Isle of Eigg, PH42 4RL.

1.0 Description of premises

1.1 The Isle of Eigg Shop is a grocery shop and post office, located at the pier on the Isle of Eigg, a rural location. The shop is situated within 'An Laimhrig', a building run by the Isle of Eigg Heritage Trust which also contains a licensed cafe, public toilets and trust offices.

2.0 Operating hours

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

Off sales:

Monday to Saturday: 1000 hours to 1900 hours
Sunday: 1200 hours to 1900 hours

3.0 Background

3.1 On 8 February 2022 the Licensing Board received an application for the provisional grant of a premises licence from Susan P Kirk.

The provisional application was accompanied by the necessary section 50 certification in terms of Planning together with a Disabled Access Statement.

3.2 The application was publicised during the period 21 February 2022 until 14 March 2022 and confirmation that the site notice was displayed has been received.

3.3 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.

- 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 attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

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 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.

4.3 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:-

- Application has been received from the applicant making a provisional application for a shop which sells alcohol by way of off sales.
- The application has been submitted with the relevant Section 50 relating to Planning and a Disability Access Statement.
- The operating plan submitted is in the opinion of the LSO in keeping with the licensing objectives. From layout plans submitted the premises appear suitable for the sale of alcohol as outlined in the application.
- The alcohol display is well under the current threshold set by the Board for considering the question of over provision.
- During the public consultation phase of this application no objections or representations have been received by HLB.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) 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

No local conditions are considered necessary.

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/RSL/1999
Date: 15 March 2022
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