

Highland Licensing Board

Meeting – 29 March 2022

Agenda Item	8.5
Report No	HLB/024/22

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

Kyle Bakery, Dornoch Road, Bonar Bridge, IV24 3EB

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Alastair McArthur.

1.0 Description of premises

1.1 The premises are an off sales set in a rural village. This is the only off sales, bakers and convenience outlet in an eleven mile radius and is situated in the centre of the village adjoined to the local hotel and is a single ownership property

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Amend layout plan to increase off sales capacity.
- (2) Increase off sales hours.

3.0 Background

- 3.1 On 9 February 2022 the Licensing Board received an application for a major variation of a premises licence from Alastair McArthur.
- 3.2 The application was publicised during the period Monday 14 February until Monday 7 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 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.

- 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 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.
- 4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

5.2 The property known as Kyle Bakery is a local grocery/bakery shop which is located in the rural village of Bonar Bridge, Sutherland.

5.3 This application is to amend the position and increase the off sales display of alcohol for the shop, also to increase the off sales hours for the premises.

5.4 The premises have operated for many years without adverse comment.

5.5 The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.

5.6 The layout plan submitted complies with the required specifications.

5.7 There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

5.8 During the public consultation, no objections were received.

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

There are no existing local conditions and it is not considered necessary to attach any.

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/CSR/0327

Date: 14 March 2022

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005