

The Highland Licensing Board

Meeting – 14 February 2023

Agenda Item	9.4
Report No	HLB/017/23

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.

1.0 Description of premises

1.1 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 public accessible room may be made available 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.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Change description of the premises.
- (2) Add to other activities home deliveries of food and alcohol.
- (3) Add to other activities pool and darts.
- (4) Increase on sales capacity to 60.
- (5) Increase outdoor area to cover larger area and seat 32.
- (6) Amendment to children and young persons section.
- (7) Amendment to layout plan to reflect increase in capacity.

3.0 Background

- 3.1 On 21 November 2022 the Licensing Board received an application for a major variation of a premises licence from Clean Bees Ltd.
- 3.2 The application was publicised during the period Monday 28 November until Monday 19 December 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. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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 The Store, Bettyhill is an established Café/Bar and shop located in a rural location within the village of Bettyhill on the North coast of Sutherland.

5.3 The premises have operated for a number of years with no adverse comment and are undergoing a minor renovation and extension. This application is to increase the licensed area of the premises, the range of activities within the premises and increase the capacity for on sales. The Children and Young Persons policy has also been further restricted to better reflect the proposed variation. The specifics of what is applied for are detailed elsewhere in this report.

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

5.5 The children's and young persons policy is appropriate.

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 period of 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

Add local condition

(m) After 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para 7.2 above.

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: 16 January 2023

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Background Papers: The Licensing (Scotland) Act 2005