

The Highland Licensing Board

Meeting – 5 September 2023

Agenda Item	9.5
Report No	HLB/104/23

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

Staffin Stores Limited, Talla Stafainn, Staffin, Isle of Skye, IV51 9JS

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Staffin Stores Limited, Talla Stafainn, Staffin, Isle of Skye, IV51 9JS.

1.0 Description of premises

1.1 The premises are a convenience store situated in the same building as a community hall and restaurant in the village of Staffin, Isle of Skye.

2.0

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Saturday:: 1000 hours to 1800 hours

3.0 Summary of variation application

3.1 Variation sought

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

(1) Amend terminal off sales hours to 2000 hours Monday to Saturday.

4.0 Background

4.1 On 25 July 2023 the Licensing Board received an application for a major variation of a premises licence from Staffin Stores Limited.

4.2 The application was publicised during the period 28 July 2023 until 18 August 2023 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 timeous notices of objection have been received and are appended:
- (1) letter from S Swann received on 28 July 2023 (Appendix 1);
 - (2) letter from E MacLeod received on 10 August 2023 (Appendix 2);
 - (3) letter from S Swann received on 14 August 2023 (Appendix 3);
 - (4) letter from J Mackenzie received on 17 August 2023 (Appendix 4).

Acknowledgement letters to these objections were sent by the licensing administration and on 23/08/2023, four of the letters (for objectors 1-3 above) were returned by Royal Mail marked "addressee unknown".

- 4.6 The applicant and the objectors have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and 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.

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) Application received to extend current terminal hour from 1800 hours to 2000 hours Monday to Saturday which is within the scope of permitted hours under the Licensing (Scotland) 2005 Act.
- (ii) Four objections have been received in respect of this application.
- (iii) At the time of writing this report three of the four acknowledgement letters for the objections sent by the licensing administration team have returned by Royal Mail as “addressee unknown”.
- (iv) There is no contact phone numbers or e-mail addresses on the letters of objection.
- (v) All the objection letters seem to follow a similar theme and seem to be complaining about other matters that should be addressed separately, objections about the extended hours seem to be secondary.
- (vi) With regards to the above no complaints have been received by this department prior to this application.
- (vii) I conducted a site/compliance visit on 23/08/2023 at approximately 1205 hours.
- (viii) I raised the issues in the “objection letters” with the premises manager and was more than happy with the explanations regarding the alleged events that were supposed to have taken place and as far as I am concerned there has been no breaches of licensing legislation/conditions.

- (ix) I will go as far as to say that for a small community run premises I was very impressed to see how the premises manager and her team run the place and “due diligence/best practice” is very evident to me and the robust measures they have in place regarding licensing matters have to be commended.
- (x) I have no concerns about these premises.
- (xi) I have no objections to the application for extension of the licensed hours.
- (xii) As a point of note they could have asked for an extension to 2200 hours which is the termination time for off sales in Scotland.

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.

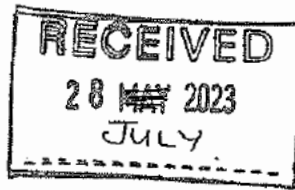
Recommendation

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/0123
Date: 22 August 2023
Author: Carol Nicolson

Appendices: Appendix 1 – objection from S Swann received 28 July 2023
Appendix 2 – objection from E MacLeod received on 10 August 2023
Appendix 3 – objection from S Swann received 14 August 2023
Appendix 4 – objection from J Mackenzie received 17 August 2023



Licensing-Highland Council

Glenurquhart Road

Inverness

IV3 5NX

25th July 2023

Dear Sir/Madam,

I am writing regarding the extended licence hours for the Staffin Stores. From the history of the local community and heritage I do not feel it would be appropriate to extend extra hours for selling alcohol. The authorised person originally made it known that errors were made so no alcohol could be sold, then suddenly could be sold. Where is the responsibility? They should know what they can and cannot do. It is well known within the community that unsupervised selling of alcohol was carried out by a minor working there.

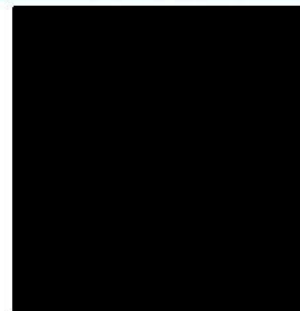
I wanted to bring these points to you, just as alcohol is important but so is valuing the community and the safety of our youth. I hope you will take my points into consideration. I do not wish my name to be known by anytime so please ensure my details remain confidential.

Thanking You

Yours Sincerely,



S Swann



Licencing Clerk

Tigh Na Sgìre

Portree

I.O.S

IV51 9GP

8th August 2023

Dear Sir/Madam,

Staffin Stores have applied for an extension to licence hours, I am writing to you as there has already been many a breach of the licence rules, the alcohol has been sold by a minor working there selling after hours the whole community knows this has been going on. The extension would not benefit the community it would become a hinderance. Especially, with the management the way it is not knowing what they are doing.

I felt contacting you was necessary and trust you will take these issues upon board before.

Please if my details can remain anonymous as we are in a small community, and I do not wish to be in any controversy.

Faithfully Yours



E Macleod



Licencing-Highland Council

Tigh Na Sgìre

Park Lane

Portree

IV51 9GP

10th August 2023

Dear Sir/Madam,

With reference to the extended licence hours for Staffin Stores, From the history of the local community and heritage I do not feel it would be appropriate to extend extra hours for selling alcohol. The authorised person originally made it known that errors were made so no alcohol could be sold, then suddenly could be sold. Where is the responsibility? They should know what they can and cannot do. It is well known within the community that unsupervised selling of alcohol was carried out by a minor working there.

I wanted to bring these points to you, just as alcohol is important but so is valuing the community and the safety of our youth. I hope you will take my points into consideration. I do not wish my name to be known by anytime so please ensure my details remain confidential.

Thanking You

Yours Sincerely,



S Swann

Appendix 4



Licencing-Highland Council
Tigh Na Sgìre
Park Lane
Portree
IV51 9GP



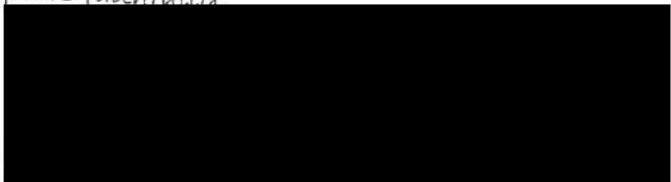
14th August 2023

Dear Members of the board,

I am writing with great concern as an extended licence hours have been requested by Staffin Stores. The management can barely cope with the shop let alone having longer hours, there is hardly any parking there and is a hazard to families especially with small children. Having additional hours would only increase the issue of parking and encourage folk to purchase later and later not sensibly. There is alcohol available at the Gull and it is suiting everyone's needs. The village requires unity and staying with the way of the realm rather than changing things unnecessary not for the better. I am aware of instances where the licence has been breached but it is not my place to say it should come from the licence holder as to admit when errors have been conducted. With such errors how could one possibly believe such errors will not occur again

I felt it my duty to share my thought with you, I would appreciate my name not being mentioned but for you to know my grievances and thoughts.

Yours faithfully



J Mackenzie

