

The Highland Licensing Board

Meeting – 9 January 2024

Agenda Item	7.3
Report No	HLB/07/24

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

Spar, Main Street, Castletown

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by CJ Lang & Son Limited in respect of Spar, Main Street, Castletown.

1.0 Description of premises

1.1 These premises is a single storey, detached convenience store offering the traditional range of products and services. The premises licence was granted on conversion on 1 September 2009.

2.0 Current operating hours

The premises currently has the following operating hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- 1) add recorded music and gaming as activities provided within and outwith core hours;
- 2) add explanation for services provided outwith core hours;
- 3) add list of other activities provided.

4.0 Background

4.1 On 27 October 2023 the Licensing Board received an application for a major variation of a premises licence from CJ Lang & Son Limited.

4.2 The application was publicised during the period 6 to 27 November 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, no timeous objections or representations have been received.
- 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:

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

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.
- 5.2 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.
- 5.3 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.

- 5.4 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.
- 5.5 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:-

- a) The property is a standard convenience store selling fresh and frozen foodstuffs with an Off Sale alcohol facility, this is a national company with a good compliance record.
- b) The application is to allow provision of the playing of background music and gaming, this is all as ancillary to provision of usual consumer goods and foodstuffs.
- c) The full details of variation are detailed elsewhere within report.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- f) During the period of public consultation, no objections were received.
- g) I have no objection to this application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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.

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/0874

Date: 12 December 2023

Author: G Sutherland

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