

The Highland Licensing Board

Meeting – 26 March 2024

Agenda Item	9.1
Report No	HLB/31/24

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

Nethy Bridge Stores and Post Office, Nethy Bridge, PH25 3DA

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by SRJ Convenience Ltd, 199 Laburnum Road, Redcar, TS30 3RS.

1.0 Description of premises

1.1 Nethy Bridge Stores and Post Office is a small convenience store situated in the centre of Nethy Bridge.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Saturday: 1000 hours to 1800 hrs
Sunday: 1230 hours to 1800 hrs

3.0 Summary of variation application

3.1 Variation sought

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

1. Q3 - amend off sales core hours to 10.00 to 22.00 hrs Monday-Sunday.
2. Q5(g) - add background music all trading hours.
3. Q5(f) - add post office services, food to go, delivery of food and alcohol and parcel collection to activities.
4. Increase alcohol display area from 8.44m² to 10.575m².
5. Change premises name to Premier Nethy Bridge.

4.0 Background

- 4.1 On 3 January 2024 the Licensing Board received an application for a major variation of a premises licence from SRJ Convenience Ltd.
- 4.2 The application was publicised during the period 29 January until 19 February 2024 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:

www.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) Nethy Bridge Stores and Post Office is a medium sized local convenience store situated centrally, in the village of Nethybridge. The premises have held a premises licence under the Licensing (Scotland) Act 2005 since 2009.

(ii) The premises genuinely service a scattered community and tourist demographic, in 2023 the premises licence was transferred to the applicant following the death of the previous licence holder. The new owners have invested heavily in making the store more comprehensive in its offerings of foodstuffs, household goods and beverages. In addition, the hours of trading have been requested to expand to meet a growing local demand, as well as tourist demand from numerous self-catering properties and camp sites.

(iii) As concerns the sale of alcohol trading hours are requested to be lengthened to 1000 to 2200 hours Monday to Sunday, such hours are permitted by the Licensing (Scotland) Act 2005. The range of activities covered by section 5 of the Operating Plan has been expanded to allow the playing of background music for customers, and the provision of Post Office services, food takeaway provision, alcohol delivery and parcel collection.

(iv) The display area for alcohol has been expanded slightly to 10.575 metres squared, still well within the current Board threshold for considering over provision. Lastly, the name of the premises has been changed to Premier Nethybridge.

(v) The LSO has inspected the premises and is satisfied that none of the requested changes threatens the Licensing Objectives in an adverse manner; the shop is a great asset to a scattered rural community and now offers a comprehensive range of services and better opening hours.

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/INBS/151
Date: 5 March 2024
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