

The Highland Licensing Board

Meeting – 6 August 2024

Agenda Item	6.1
Report No	HLB/77/24

Application for the grant of a provisional premises licence under the Licensing (Scotland) Act 2005

Co-op, Land 40M West of Morrisons Daily, Gairloch

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a provisional premises licence in respect of Co-op, Land 40M West of Morrisons Daily, Gairloch.

1.0 Description of premises

1.1 The premises is a new purpose built convenience store, selling a broad range of products for consumption off the premises.

2.0 Operating hours

2.1 The applicant seeks the following hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 19 June 2024 the Licensing Board received an application for the grant of a premises licence from Co-operative Group Food Limited.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning together with a Disabled Access Statement.

3.3 The application was publicised during the period from 24 June to 15 July 2024 and confirmation that the site notice was displayed has been received.

3.4 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.

3.5 Notification of the application was also sent to NHS Highland and the local Community Council. The Community Council has expressed their support for this application.

3.6 Further to this publication and consultation process, the following timeous objection has been received and is appended.

- W Watson dated 8 July 2024

3.7 The applicant and the objector have been invited to attend the hearing. They have been advised of the hearings procedure which will be followed at the meeting and 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.

4.2 Relevant grounds of refusal are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. that having regard to;
 - (i) the nature of the activities 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, or
5. 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.

4.3 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.

4.4 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- a) This application is for a Co-op Convenience Store business, which is based upon the sale of the usual food goods associated with this type of premises. This is an application for Off Sales of alcohol only.
- b) The premises are to be situated in the Wester Ross village of Gairloch.
- c) The core hours applied for are within the policy of the Highland Licensing Board.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is not applicable as Off Sales only.
- f) The layout plan submitted complies with the required specifications, and the Off Sales display area of 29.93m² is within the Highland Licensing Board Policy.
- g) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- h) During the period of consultation, one objection was received from W Watson. The objection was based on "overprovision" of licensed premises within the village area of Gairloch, Wester Ross.
- i) The objector W Watson was contacted and the Highland Licensing Board Policy in relation to "overprovision" was explained and clarified. The objector accepted and understood the explanation.
- j) I have no objection to this application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

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

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/2120

Date: 16 July 2024

Author: G Sutherland

Appendix: Objection from W Watson dated 8 July 2024



REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes or emailed to licensing@highland.gov.uk. Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

1. Full Name and Address of person making objection/representation:

WENDY LOUISE WATSON	
[Redacted Address]	
Telephone Number:	[Redacted]
Email Address:	[Redacted]

2. Address of Premises in respect of which objection / representation is made:

CO-OP LAND 40M WEST OF MORRISON'S DAILY, CAIRLOCH

3. Details of any OBJECTION: (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1. Excluded Premises	5. OVERPROVISION - There are already 2 of licences within 100m of the proposed co-op and 2 others within the village there are also numerous pubs and we feel this is too many for our small village.
2. Off-Sales Hours/24 hour drinking	
3. Licensing Objectives	
4. Activities/Premises/Customers	
5. Over Provision	

4. Details of any REPRESENTATION: (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1. in support of application	
2. seeking an amendment to the operating plan, or	
3. seeking to add additional conditions to the licence	

Signature: [Redacted] Date: 8/7/04