

The Highland Licensing Board

Meeting – 17 December 2013

Agenda Item	7.1
Report No	HLB/149/13

Application for the grant of a Premises Licence under the Licensing (Scotland) Act 2005

Report by Clerk of the Licensing Board

Summary

Ref: HC/INBS/558

This Report relates to an application for the grant of a Premises Licence for:

Premises: Cawdor Village Store, Cawdor IV12 5XP

Applicant: The partnership of John and Audrey Wallace, Ashcroft, Cantraywood, Croy, IV2 5PR

1.0 Background

1.1 The premises was a licensed village shop from 2010 to 2012 when the off sales licence was surrendered.

The current application is for premises offering household goods and newsagent goods, together with a small off sales section. Incorporated within the building will be a small cafeteria area but alcohol will not be sold on the premises. The building is a detached building with a small external car park in the centre of Cawdor

1.2 On 4 November 2013 the Licensing Board received an application for the grant of a Premises Licence from the applicants, Mr John and Ms Audrey Wallace.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards, Food Hygiene and the statutory fee.

1.3 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (11 November to 2 December 2013). Confirmation of site note has been received.

1.4 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.

A notice of the application has been sent to and all the people listed under S21(1) of the Act.

1.5 No objections or representations have been received in respect of the application.

2.0 Legislation

2.1 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 ground of refusal may be –

1. The premises are excluded premises;
2. The grant of the application will be inconsistent with one or more of the licensing objectives, 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. Having regard to the number and capacity of licenced premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result be over-provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted.

3. Summary of Application

Off Sales

Monday to Sunday - 10.00 to 19.00 hrs.

4. Policies

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board combined Equality Scheme

Schedule of Local Conditions

5 Licensing Standards Officer's Comments:

Cawdor Village Stores formerly held a Premises Licence for Off Sales which was surrendered in 2012 when the Premises ceased to trade.

The Premises have been visited on several occasions by the LSO and are suitable for the sale of alcohol.

The relevant Section 50 Certificates have been submitted with the application. Lay out plans indicate that the proposed alcohol displays comply with the Mandatory Licensing Conditions. The hours applied for are within those permitted by the Licensing(Scotland)Act 2005.

Should the Board be minded to grant this application the LSO is of the opinion that there will be no threat to the Licensing Objectives.

5.1 Local Conditions

None recommended.

6.0 Mandatory Conditions

6.1 If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.558

Author: Wendy Grosvenor

Date: 29/11/2013.

Background Papers: The Licensing (Scotland) Act 2005 . Licensing Board Policy Statement to November 2016.