

The Highland Licensing Board

Meeting – 2 August 2017

Agenda Item	7.1
Report No	HLB/083/17

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

The Little Shop, Eilean Shona, Dorlin, Acharacle, Argyll, PH36 4LR

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of The Little Shop, Eilean Shona, Dorlin, Acharacle, Argyll, PH36 4LR.

1.0 Description of premises

1.1 The Little Shop is situated on Eilean Shona which is a privately owned island located at the entrance to Loch Moidart on the Ardnamurchan peninsula. The premises will provide off-sale facilities to guests residing on the island.

Given the remote location of the premises and for the purposes of providing a water supply to the shop, the boundary of premises will encompass the estate manager's house and the shop however the sale of alcohol will be restricted to the shop only.

2.0 Operating hours

2.1 The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Saturday: 1000 hours to 2200 hours
Sunday: 1200 hours to 2200 hours

3.0 Background

3.1 On 29 June 2017 the Licensing Board received an application for the grant of a premises licence from Eilean Shona Management Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 30 June 2017 until 21 July 2017 and confirmation that the site notice was displayed has been received.

- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland. Acharacle Community Council were not constituted at the time of application therefore no consultation took place.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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:

http://highland.gov.uk/hlb_hearings

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.

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.

4.2 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:-

- The applicant operates a small shop on a private Island.
- Licensed hours are for off-sales only from 1000 to 2200 hours daily Monday to Saturday and 1200 to 2200 hrs on a Sunday.
- The premises were previously granted an alcohol licence on 20 April 2010 however this was surrendered on 31 March 2011.
- The applicant intends to stock only a small amount of alcohol amounting to 3 m² in an accessible area. Such an amount does not conflict with the Board policy on overprovision.
- No additional service or activities other than the usual shop operations will take place on the premises.
- I am satisfied that there is no conflict with the licensing objectives. The application is within policy and I have no cause to object to the grant of the application.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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.

7.3 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/1831

Date: 24 July 2017

Author: SB/JT

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