

## The Highland Licensing Board

Meeting – 3 October 2017

Agenda Item	9.6
Report No	HLB/113/17

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

Bervie Stores, The Harbour, Kinlochbervie, IV27 4RR

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Bervie Stores Ltd.

#### 1.0 Description of premises

1.1 The Bervies Stores is a convenience store under Spar Symbol Group selling a wide range of goods including alcohol offsales. Shop situated in harbour area of Kinlochbervie, a small village of 200 people. Building is detached, solely occupied by the Bervie Stores, built of concrete blocks and tiled roof, good access and parking.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### Off sales:

Monday to Saturday: 1000 hours to 2200 hours

Sunday: 1230 hours to 2200 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- (1) Increase the licensed hours on Sunday to commence at 1000 hrs.
- (2) Increase off sales display area from 7.5 m<sup>2</sup> to 12.5m<sup>2</sup> to be contained behind the service counter.

## **4.0 Background**

- 4.1 On 23 June 2017 the Licensing Board received an application for a major variation of a premises licence from Bervie Stores Ltd.
- 4.2 The application was publicised during the period 7 August until 28 August 2017 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:

[http://highland.gov.uk/hlb\\_hearings](http://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 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.

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:-

6.2 Highland Licensing Board policy hours for off-sales are from 1000 hrs to 2200 hrs daily. The application to increase licensed hours on a Sunday is within policy.

6.3 The applicant is making some minor internal alterations to the layout which will result in an increase in alcohol capacity from 7.5m<sup>2</sup> to 12.5 m<sup>2</sup>. Much of the enlarged area will be contained behind the service counter.

6.4 An increase to 12.5m<sup>2</sup> does not cause conflict with the Board's policy on overprovision which contains a presumption against the approval of an off-sales capacity in excess of 40m<sup>2</sup>.

6.5 The proposed increase in licensed hours and increase in capacity do not conflict with the Board's policy and I have no cause to object to the grant of the variation.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

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

### **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/CSER/0553

Date: 4 September 2017

Author: L Gunn

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