

The Highland Licensing Board

Meeting – 1 October 2019

Agenda Item	10.10
Report No	HLB/099/19

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

West Highland Woollen Company, 5 Shore Street, Ullapool

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Edinburgh Woollen Mill Limited in respect of West Highland Woollen Company, 5 Shore Street, Ullapool.

1.0 Description of premises

1.1 The premises is a retail shop in the town of Ullapool. The premises was granted a premises licence, on transition, on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

Off sales:

Monday to Saturday: 1000 hrs to 1800 hrs
Sunday: 1000 hrs to 1700 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Increase off-sales hours on Monday to Sunday to terminate at 2200 hrs
- (2) remove seasonal variation
- (3) to list of activities/services provided during and outwith core hours add club or other group meetings, recorded music and live performances and add explanation for provision outwith licensed hours
- (4) add details of other activities provided

4.0 Background

- 4.1 On 29 July 2019 the Licensing Board received an application for a major variation of a premises licence from The Edinburgh Woollen Mill Limited.
- 4.2 The application was publicised during the period 16 August to 6 September 2019 and confirmation that the site notice was displayed is awaited.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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

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.
- 5.2 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.

5.3 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.

5.4 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.

5.5 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:-

- a) The West Highland Woollen Company, 5 Shore Street, Ullapool is a retail shop on the shorefront in Ullapool, which sells alcohol by way of Off Sales.
- b) The main trade is the sale of Scottish themed clothing and gifts; malt whisky and other Scottish alcohol produce compliments the range to offer an all-round tourist experience.
- c) The premises have a trouble free operating history and compliance visits by the LSO have revealed the premises being run correctly according to the terms of their premises licence.
- d) The premises have sought to modernise their existing licence in order to meet heavy demands of the tourist trade with more flexibility.
- e) Daily hours are requested to terminate at 2200 hrs. This is in line with off sales allowed for in the Licensing (Scotland) Act 2005.
- f) The capacity for seasonal variations is no longer required.
- g) The Operating Plan at 5(b) is asked to be amended so to introduce the permission for club or other group meetings both during and outwith licensed hours.
- h) They have also sought a change at 5(c) in relation to allowing recorded music during and outwith licensed hours as well as allowing live performances similarly during and outwith licensed hours.
- i) At the box detailing column 4 entries they have asked that the wording as detailed is included.

- j) Also at 5(f) wording is inserted as detailed on application form.
- k) The LSO has reviewed the amended operating plan and is of the opinion that it is compliant with the licensing objectives.
- l) Following the public consultation phase of this application ,no objections or observations have been received.

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

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/0221
Date: 17 September 2019
Author: G Sutherland