

The Highland Licensing Board

Meeting – 11 May 2021

Agenda Item	8.3
Report No	HLB/035/21

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

Richard Mackay and Son (Durness) Limited, Durine, Durness, IV27 4PN

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Richard Mackay and Son (Durness) Limited.

1.0 Description of premises

1.1 Premises/village store/post office used for sale of groceries, hardware, off licence etc, all the necessary items required for a small rural village. Petrol, derv, solid fuel and gas are supplied from facilities on the opposite side of the road from the main shop.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Vary operating plan to increase the off sales capacity.
- (2) Amendment to layout plan.
- (3) Add to other activities the provision of background music.
- (4) Change to premises manager.

3.0 Background

- 3.1 On 10 March 2021 the Licensing Board received an application for a major variation of a premises licence from Richard Mackay and Son (Durness) Limited.
- 3.2 The application was publicised during the period Monday 22 March until Monday 12 April 2021 and confirmation that the site notice was displayed has been received.

- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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 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.
- 4.2 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.
 - 4.3 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

5.2 Richard Mackay and Son is a local grocery shop, which has as part of its business off sales to allow for the sale of alcohol as well as the usual foodstuffs and general merchandise.

5.3 The property a single storey detached building sitting in its own ground adjacent to the main road in the centre of the village of Durness North West Sutherland. This is one of very few grocery shops in this isolated part of the County of Sutherland.

5.4 This application is to increase the display area of Off Sales of alcohol within the shop and change the location of the display as per layout plan. The application is also to include background music within the shop.

5.5 The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.

5.6 The layout plan submitted complies with the required specifications.

5.7 There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

5.8 During the period of consultation, no timeous objections have been received.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

There are no existing local conditions and it is not considered necessary to attach any.

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/CSR/0369

Date: 15 April 2021

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Background Papers: The Licensing (Scotland) Act 2005