

## The Highland Licensing Board

Meeting – 3 August 2021

Agenda Item	8.5
Report No	HLB/072/21

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

**JS&TT t/a Jim Bews, 10 Olrig Street, Thurso**

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by JS&TT Ltd in respect JS&TT t/a Jim Bews, 10 Olrig Street, Thurso.

#### 1.0 Description of premises

1.1 The current premises licence is for off sales for the ground floor retail premises operating as a newsagent, bookshop and selling other products. The premises were granted a premises licence on 28 March 2017.

#### 2.0 Current operating hours

2.1 The premises currently have the following operating hours:

**Off sales:**

Monday to Sunday: 1100 hrs to 2200 hrs

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- 1) amend the layout plan to include the addition of the upstairs café for on and off sales;
- 2) amend premises description to take account of this;
- 3) add on sales hours of Monday to Sunday 1100 hrs to 2400 hrs;
- 4) to activities provided add restaurant facilities during and outwith core hours, receptions and club meetings to activities provided during core hours, and list other activities to be provided on the premises;
- 5) add children and young persons policy;
- 6) add on sales capacity of 70.

## **4.0 Background**

- 4.1 On 1 June 2021 the Licensing Board received an application for a major variation of premises licence from JSandTT Ltd.
- 4.2 The application was publicised during the period 4 to 25 June 2021 and confirmation that the site notice was displayed has been received.
- 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. However, the Principal Building Standards Surveyor commented that a building warrant was granted in 2004 to a previous owner of the building for the first floor café but that no completion certificate had been issued. On 30 June 2021 a letter of comfort was issued to the applicant which confirmed that no enforcement action would be taken in respect of there not being a completion certificate.
- 4.6 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 attend a virtual hearing and/or submit a written representation to state their case.

## **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 property known as JSandTT, 10 Orlig Street, Thurso is currently a Newspaper/Convenience store with Off Sales Licence to sell alcohol.
- b) The property is situated near Thurso Town Centre in Caithness.
- c) The property has an upstairs area which the applicant is applying to be used as a café/restaurant with the provision of On and Off Sales of alcohol.
- d) The application is primarily to amend the layout plan of the property to include the upstairs area, add On and Off sales for that area as well as to add activities which are relevant and appropriate to operate a café/restaurant from that area.
- e) The full details of variation are detailed elsewhere within report.
- f) The core hours applied for are within the policy of the Highland Licensing Board, and are appropriate.
- g) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- h) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- i) The layout plan submitted complies with the required specifications.
- j) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- k) During the period of public consultation, no objections were received.
- l) I have no objection to this application.

## **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/1815  
Date: 20 June 2021  
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