

The Highland Licensing Board

Meeting – 6 August 2013

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| Agenda Item | 9.1 |
| Report No | HLB/084/13 |

Application for the Provisional Grant of a Premises Licence under the Licensing (Scotland) Act 2005

Report by Clerk of the Licensing Board

Summary

Ref: HC/INBS/551

This Report relates to an application for the Provisional Grant of a Premises Licence for:

Premises: Spar, Station Road, Ardersier, IV2 7SU

Applicant: Murray Retail Limited, 4th Floor, Metropolitan House, 31-33 High Street, Inverness IV1 1HT, per John Murray

1 Background

- 1.1 This is an application for a provisional premises licence. The property is situated on Station Road, Ardersier, and is constructed with block and slate. The property is 1800 sq.ft., and is opposite the Highland Council Service Point. The premises will operate off-sales only.
- 1.2 On 6 June 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant, Murray Retail Ltd, per Mr John Murray.
The application was accompanied by the necessary Section 50 Certification in terms of Planning and the statutory fee.
- 1.3 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has displayed a site Notice for the same period (24 June to 15 July 2013).
- 1.4 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, and the Council's Planning Office were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.
- 1.5 A notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 1.6 No objections or representations have been received.

2. Legislation

2.1 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 ground of refusal may be –

1. The premises are excluded premises;
2. The grant of the application will be inconsistent with one or more of the licensing objectives, 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. Having regard to the number and capacity of licenced premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result be over-provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted.

3. Summary of Application

Off Sales

Monday to Sunday - 10.00 to 22.00

4. Policies

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board combined Equality Scheme

Schedule of Local Conditions

5 Licensing Standards Officer's Comments:

The Applicant has furnished the necessary Section 50 certificate in respect of Planning.

The Premises albeit with conversion are suitable for the sale of alcohol.

From the plans submitted the Applicant is compliant in respect of the designated areas for alcohol display/sales.

The hours requested are the maximum allowed under the Licensing (Scotland) Act 2005. Although the premises are situated near to residential property it is envisaged that no adverse effect will occur in respect of the Licensing Objectives.

5.1 Local Conditions

None recommended.

6.0 Mandatory Conditions

6.1 If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

7 Recommendation

The Board is invited to determine the above application. .

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS/551

Author: Wendy Grosvenor

Date: 24/06/2013.

Background Papers: The Licensing (Scotland) Act 2005