

## The Highland Licensing Board

Meeting – 1 October 2013

Agenda Item	8.2
Report No	HLB/114/13

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

#### Report by the Clerk to the Licensing Board

##### Summary

**Ref: HC/INBS/555**

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

**Premises:** Dobbies Garden Centre, Inshes Retail Park, Sir Walter Scott Drive, Inverness IV2 3TW

**Applicant:** Dobbies Garden Centre PLC, Melville Nurseries, Lasswade, Midlothian, EH18 1AZ per Tods Murray LLP, 133 Fountainbridge, Edinburgh EH3 9AG

#### 1 Background

- 1.1 This is an application for a provisional premises licence. The application is for a large, self-contained garden centre offering retail facilities, with a main sales floor, separate Farm Food Hall area, restaurant and coffee bar, conservatory and external seating facilities. Off sales will be provided from the Food Hall. On sales will be provided from the restaurant and outside drinking area.
- 1.2 On 19 July 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant's agent, Tods Murray LLP, 133 Fountainbridge, Edinburgh EH3 9AG  
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 to display the Notice on site for the same period (29 July 2013 to 19 August 2013). Confirmation of site note has been received.
- 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.

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

### **On Sales**

Monday to Saturday – 11.00 hrs to 23.00 hrs

Sunday 12.00 Noon to 23.00 hrs

## **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:**

An application has been made for a large scale Garden Centre superstore on the premises of the old Focus DIY premises at Inshes, Inverness. The application is for a Provisional Grant of an Alcohol Premises Licence.

The Premises are suitable for the sale of alcohol.

The hours applied for are within those policy hours presently contained in the Highland Licensing Board Policy statement.

The application seeks to run a licensed cafeteria and also to offer a range of alcohol for sale in the general retail area of the store. The nearby Simpsons

Garden Centre has been licensed in a similar way by the Board and this application proposes a similar operation.

The Off Sales area is 11.7 square metres and is very much an ancillary yet complimentary range of merchandise for shoppers to purchase as gifts and luxury items rather than a core household resource. The cafeteria like many Garden Centres will offer a comprehensive menu for which a small range of alcohol will be available to support same.

The LSO is of the opinion that should the Board be minded to approve this Provisional application there will be no threat to 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.

**Recommendation**

The Board is invited to determine the above application. .

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS/555

Author: Wendy Grosvenor

Date: 30/08/2013.

Background Papers: The Licensing (Scotland) Act 2005