

**The Highland Licensing Board**

**Meeting – 11 December 2014**

Agenda Item	<b>8.2</b>
Report No	<b>HLB/148/14</b>

**Application for the provisional grant of a Premises Licence under the Licensing (Scotland) Act 2005**

**Tomatin Country Store, Main Street, Tomatin, IV13 7YP**

**Report by the Clerk to the Licensing Board**

**Summary**

This Report relates to an application for the provisional grant of a Premises Licence by Tomatin Country Store Ltd 28 Drummond Road, Inverness IV2 4NF.

**1.0 Description of Premises**

1.1 The premises are a small convenience store accommodated within a detached building in the village of Tomatin. The applicant proposes to trade a range of food and drinks and household goods generally associated with a business of this type.

**2.0 Operating Hours**

2.1 The applicant seeks the following **off-sale** hours:

**Off sales:**

Monday to Sunday: 1000 hours to 2200 hours

**3.0 Background**

3.1 On 31 October 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant's agent, Lorna Murray, Solicitor, 45 Culduthel Road, Inverness IV2 4HQ.

The application was accompanied by the statutory fee; together with a Section 50 Planning Certificate.

3.2 The application was publicised during the period 03 November 2014 until 24 November 2014 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & 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 (Inverness South).
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **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 are: -

1. that the premises are excluded premises;
  2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
  3. that 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,the Board considers the premises are unsuitable for use for the sale of alcohol, or
  4. that having regard to the number and capacity of licensed 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 overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

### **5.1 The LSO has provided the following comments:-**

The premises in question have been visited by the LSO and are already trading as a village shop currently without alcohol provision. The premises in the view of the LSO are suitable for the sale of alcohol.

The hours applied for are within those of the current policy of the Highland Licensing Board. The capacity of the sales are is considerably less than the Board's over provision policy in respect of off sales capacity.

The operating plan that has been submitted is competent and in the view of the LSO poses no threat to the Licensing Objectives.

The necessary Section 50 Certificate in respect of Planning required for a Provisional application has been submitted.

This is the only shop in the Tomatin area and serves a widely scattered rural community, the nearest off sales outlets are in Carrbridge to the south and Inverness to the North.

## **6.0 HLB Local Policies**

### **6.1 The following policies are relevant to the application:-**

- (1) Highland Licensing Board Policy Statement 2013-16
- (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**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the Schedule of Local Conditions:

- None necessary.

### **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/INBS/571

Date: 25 November 2014

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form.