

The Highland Licensing Board

Meeting – 3 February 2015

Agenda Item	6
Report No	HLB/010/15

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

Elephants in the Pantry, 50-52 High Street, Grantown on Spey PH26 3EH

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the grant of a Premises Licence in respect of Elephants in the Pantry, 50-52 High Street, Grantown on Spey PH26 3EH.

1.0 Description of Premises

1.1 The premises are a mid-terraced ground floor shop unit fronting the High Street, Grantown on Spey with public access area extending to approx. 70 square metres. There is one entrance/exit for the public and one other rear entrance/exit for staff.

Current and proposed class of use of the premises will be retail.

The premises will be operated as a fine food and drinks store, specialising in the retail sale of high quality food and drinks, both alcoholic (premium wines, fine spirits, artisan beers and ciders) and non-alcoholic and food related gifts.

There will be occasional free sampling of products, including alcoholic products for the customer for promotional marketing purposes. E-commerce facility will allow delivery of products including alcoholic products sold in the premises. Strict adherence will be made to an appropriate age verification policy, training of staff and record keeping of deliveries with invoices details customer name and address and products sold/delivered. Hours of delivery will be within core times.

2.0 Operating Hours

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

Off sales:

Monday to Saturday 1000 hours to 2200 hours

Sunday 1100 hours to 1800 hours

3.0 Background

- 3.1 On 25 November 2014 the Licensing Board received an application for the grant of a Premises Licence from Nicola Dingwall, Craigdhu, Woodside Avenue, Grantown on Spey PH26 3JR.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

- 3.2 The application was publicised during the period 01 December 2014 until 22 December 2014 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 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

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:-

(i) The premises in question are a traditional small shop on the High Street, Grantown on Spey. The premises hope to sell fine foods, food related gifts and a range of premium wines, fine spirits, artisan beers and ciders).

(ii) The premises are suitable for the sale of alcohol.

(iii) The necessary Section 50 Certificates in respect of Planning, Building Standards and Food Hygiene have been submitted.

(iv) Trading hours applied for are within the policy hours of the Highland Licensing Board.

(v) The operating plan submitted does not raise any adverse issues in respect of the Licensing objectives. The lay out plans have also been submitted.

(vi) The relevant statutory consultations have been carried out and no objections or representations have been received. The applicant Nicola Dingwall who will be the premises manager has been interviewed by the LSO and appears to have a strong grasp of alcohol licensing requirements.

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

None considered 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/572

Date: 15 January 2015

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