

The Highland Licensing Board

Meeting – 31 March 2015

Agenda Item	8.3
Report No	HLB/026/15

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

The Deli at Kingussie, 2 High Street, Kingussie PH21 1HR

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 The Deli at Kingussie, 2 High Street, Kingussie PH21 1HR

1.0 Description of Premises

1.1 The Deli at Kingussie is a retail shop situated on the corner of the High Street and Gynack Street in Kingussie. The shop has a front door and large triple window facing onto the High Street and two smaller windows facing on to Gynack Street. The shop has previously been run as a licensed grocer's for approximately 45 years.

2.0 Operating Hours

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

Off sales:

Monday to Sunday 1000 hours to 2000 hours

3.0 Background

3.1 On 12 February 2015 the Licensing Board received an application for grant of a premises licence from the Partnership of Paul Nield and Jennifer Nield, Trading as The Deli at Kingussie, Rose Cottage, Old Distillery Road, Kingussie PH21 1EL.

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 16 February 2015 until 09 March 2015 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 Kingussie 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:-

The premises in question are a retail shop situated on High Street, Kingussie. These premises were formerly a licensed grocer's shop before lying vacant for several years. The premises are suitable for the sale of alcohol.

Hours requested for trading in alcohol are within the hours allowed in terms of the Highland Licensing Board policy statement.

The necessary Section 50 certificates have been submitted with the application. The alcohol display area is 17.85 metres² and is therefore under the threshold for overprovision consideration.

The applicants were formerly involved in a large family licensed grocer's business in Kingussie and are experienced in respect of the Licensing (Scotland) Act 2005 requirements.

The lay out plans are competent and show that the display areas are compliant with the Mandatory Licensing Conditions.

The LSO is of the opinion that should the Highland Licensing Board grant this application there will be no adverse effect in respect of the Licensing objectives.

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 recommended.

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/

Date: 12 March 2015

Author: Wendy Grosvenor

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