

The Highland Licensing Board

Meeting – 12 May 2015

Agenda Item	8.1
Report No	HLB/046/15

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

Highland International Food Store

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the grant of a provisional Premises Licence in respect of Highland International Food Store, 1a Margaret Street, Inverness IV1 1LS.

1.0 Description of Premises

1.1 The Highland International Food Store is situated at 1a Margaret Street, Inverness and consists of a convenience store centrally located in the city centre selling a range of food and other products.

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 March 2015 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 on behalf of the applicant, Peshtawan Jabar Hassan, 5 Glengarry Road, Inverness IV3 8NJ .

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

3.2 The application was publicised during the period 6 April until 27 April 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. No Community Council is currently formed for Central.
- 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 large retail unit situated on Margaret Street, Inverness.

The premises are suitable for the sale of alcohol. Alcohol will be sold as a product to compliment a large range of continental foodstuffs.

The hours applied for are in line with the prescribed maximum off sales hours allowed for in the Licensing (Scotland) Act 2005. The display areas indicated on the lay out plans comply with the Mandatory licensing conditions; being located adjacent to the till points so as to afford the maximum amount to supervision and scrutiny.

The display areas comprise 23 square metres which is below the threshold within the current Policy Statement concerning over-provision. Being situated within a mainly commercial district of the City of Inverness the operation of these premises should not compromise any of the Licensing Objectives.

The necessary Section 50 Certificate in relation to planning has been submitted with the application.

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

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/579

Date: 29 April 2015

Author: Wendy Grosvenor

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