

The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	6.2
Report No	HLB/059/16

Application for the grant of a premises licence under the Licensing (Scotland) Act 2005

WoodWinters Wines and Whiskies, Bow Court, 74 Church Street, Inverness, IV1 1HB

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 WoodWinters Wines and Whiskies, Bow Court, 74 Church Street, Inverness, IV1 1HP.

1.0 Description of premises

1.1 The WoodWinters Wines and Whiskies is situated at Bow Court, 74 Church Street, Inverness and consists of a ground floor retail unit which houses a busy mix of commercial properties including retail, bars, restaurants, cafes, food stores and offices. The unit is a 'B' listed building with existing ground floor commercial units and accommodation in the floors above.

2.0 Operating Hours

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

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 3 May 2016 the Licensing Board received an application for the grant of a premises licence from WoodWinters Wines and Whiskies insert name of applicant.

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 30 May until 20 June 2016 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 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) Application has been made for a new premises licence for off sales, to be situated within a retail unit at 74 Bow Court, Inverness.

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

(iii) The hours applied for are in line with Highland Licensing Board Policy and the Licensing (Scotland) Act 2005.

(iv) The necessary section 50 certificates in respect of planning, building standards and food hygiene have been submitted.

(v) The premises have a combined alcohol capacity between the secure and public areas of the premises of 31.2 metres square which is outwith the current overprovision policy of the Highland Licensing Board.

(vi) Lay out plans of acceptable quality have accompanied the application.

(vii) The types of alcohol to be retailed will be high end wines and whiskies. The range of alcohol products broadly associated with anti-social behaviour will not be stocked.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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

No local conditions are 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/595

Date: 5 July 2016

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