

The Highland Licensing Board

Meeting – 4 October 2016

Agenda Item	8.2
Report No	HLB/083/16

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

The Larder, 45 High Street, Alness

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 Larder, 45 High Street, Alness.

1.0 Description of premises

1.1 The premises operate as a speciality food shop from single-storey premises situated on High Street, Alness.

2.0 Operating hours

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

Off sales:

Monday to Friday: 1000 hrs to 1730 hrs

Saturday: 1000 hrs to 1700 hrs

3.0 Background

3.1 On 17 August 2016 the Licensing Board received an application for the grant of a premises licence from Carolyn A Wilson.

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 26 August to 16 September 2016 and confirmation that the site notice was displayed during this time 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:-
- a. The applicant operates a speciality foods shop from single-storey premises situated on High Street, Alness. As a consequence of customer demand she now makes application for a premises licence for the off-sales of alcohol.

- b. The proposed hours are Monday to Friday 1000 hrs to 1830 hrs and on a Saturday from 1000 hrs to 1700 hrs. The premises do not trade on a Sunday.
- c. The capacity for alcohol is 4.5m² which does not conflict with the Board's policy on overprovision.
- d. All activities and services referred to in the operating plan are appropriate for this type of operation. The alcoholic products to be offered for sale are aimed primarily at the gift and tourist markets and there should be no conflict with any 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 2013-18
- (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 to apply.

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/CSR/1785

Date: 20 September 2016

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