

The Highland Licensing Board

Meeting – 4 October 2016

Agenda Item	9.2
Report No	HLB/087/16

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

Keystore More, 17-19 Bridge Street, Wick

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a premises licence in respect of Keystore, 17-19 Bridge Street, Wick.

1.0 Description of premises

1.1 Proposal to operate a traditional convenience store within a currently vacant retail unit on Bridge Street, Wick

2.0 Operating hours

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

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

Background

3.0 On 23 August 2016 the Licensing Board received an application for the provisional grant of a premises licence from Younes Amin.

3.1 The application was accompanied by the necessary section 50 certification in terms of Planning.

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 is awaited.

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

3.7 **Legislation**

4.0 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.

4.1 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.

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 is at an early stage of planning to operate a traditional convenience store within a currently vacant retail unit on Bridge Street, Wick and makes an application for a provisional premises licence. Grant of the licence will be required before he can proceed further.

- b. The application is for the maximum permissible hours for off-sales and for a maximum off-sales capacity of 40m² so as to be within the terms of Board policy on overprovision.
- c. If the application is approved it is anticipated that an application to vary the licence and lodge a detailed layout plan will be submitted prior to any confirmation of the licence. A variation is likely to include a reduction in alcohol capacity but no other major change to the operating plan. If a major change is required a variation application must go before the Board for consideration.
- d. The applicant currently operates a small convenience store from premises at the junction of Bridge Street with High Street, in Wick. I understand that the applicant's existing premises will cease operation as a licensed convenience store if he moves to the new premises.
- e. The licensed hours applied for are within policy for off-sales premises and the activities or services to be provided are appropriate for a convenience store.

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 will apply.

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/CSR/1787

Date: 20 September 2016

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