

The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	10.1
Report No	HLB/055/17

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

UrPal Tours, 55 Church Street, Inverness, IV1 1ST

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 UrPal Tours, 55 Church Street, Inverness.

1.0 Description of premises

1.1 The UrPal Tours is situated in Inverness town centre and consists of a retail shop, principally aimed at tourists to Inverness, selling high quality Scottish souvenirs and other products aimed at the tourist market. A small selection of alcohol for consumption off the premises. The alcohol to be sold will be stocked with the tourist customer in mind and, therefore, will principally be Scottish products, including whiskies and gins.

The premises will also offer delivery of their products including alcohol within the Highlands and by mail order.

The public part of the premises will be open for business between 0900 hours and 2200 hours for retail business and is closed out with these times. The rear office at the premises is open for staff only in connection with an associated taxi booking business.

2.0 Operating hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hrs

3.0 Background

3.1 On 21 March 2017 the Licensing Board received an application for the provisional grant of a premises licence from Glenfold Limited.

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

- 3.2 The application was publicised during the period 27 March until 17 April 2017 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 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://highland.gov.uk/hlb_hearings

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) The premises concerned are a retail unit on Church Street, Inverness, comprising of a customer lounge area, and a dedicated taxi office in the rear section of the unit.

(ii) The applicants run a bespoke taxi tour business throughout the Highland area, customers are collected from and returned to the business base. A feature of many of the tours is the opportunity to visit Highland distilleries and also gin and beer producers. The applicants wish to stock a range of alcohol, to allow customers the opportunity of purchasing them as gifts and souvenirs.

(iii) The premises have been inspected by the LSO and are suitable to sell alcohol. The hours requested are within the policy hours of the Highland Licensing Board. The proposed capacity is substantially below the threshold set by the Board for consideration of the issue of over provision.

(iv) The necessary section 50 certificate in relation to planning has accompanied the application. Layout plans of good quality have also be tendered.

(v) In the opinion of the LSO, sales of alcohol made in accordance with the operating plan submitted would not be contrary to 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 licensing conditions 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/608

Date: 19 April 2017

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