

The Highland Licensing Board

Meeting – 3 October 2017

Agenda Item	7.2
Report No	HLB/102/17

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

Balliefurth Farm Shop, Station Road, Nethybridge, PH25 3DN

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 Balliefurth Farm Shop, Station Road, Nethybridge, PH25 3DN.

1.0 Description of premises

1.1 The Balliefurth Farm Shop is situated in the centre of Nethybridge and consists of a farm shop selling butcher meat, delicatessen foods and a small range of off sale alcohol.

2.0 Operating hours

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

Off sales:

Monday to Saturday: 1000 hours to 1800 hours

3.0 Background

3.1 On 26 June 2017 the Licensing Board received an application for the grant of a premises licence from Balliefurth Limited.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.3 The application was publicised during the period 10 July until 31 July 2017 and confirmation that the site notice was displayed has been received.

3.4 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.

3.5 Notification of the application was also sent to NHS Highland and the local Community Council.

- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
 3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 4. 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
 5. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, 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) A new premises licence application has been submitted by the applicant for a farm shop in the centre of Nethybridge, Inverness-shire.

(ii) The premises have been operating as a shop and butchers for approximately a year and have been fitted out to a high standard. In terms of the Licensing (Scotland) Act 2005 the premises are very suitable for the sale of alcohol as described within the operating plan.

(iii) The application has been accompanied by the necessary section 50 certificates in relation to planning, building standards and food hygiene. Layout plans of an acceptable standard have been submitted.

(iv) The alcohol capacity is well below the threshold currently set by the Highland Licensing Board for considering the question of overprovision. The applicant has stated to the LSO that the product range will largely comprise of artisan spirits and beers manufactured in Speyside.

(v) The hours requested are within the permitted hours for off sales within the Licensing (Scotland) Act 2005.

(vi) The LSO, on a site visit to the premises, has spoken at length with the applicant who has already made preparation for appropriate levels of staff training and display of statutory signage.

(vii) It is the opinion of the LSO that this application is entirely in keeping with the 5 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

None 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/612

Date: 12 September 2017

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