

## The Highland Licensing Board

Meeting – 1 November 2017

Agenda Item	7.1
Report No	HLB/121/17

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

Home Bargains, Unit 2, Aviemore Retail Park, Aviemore, PH22 1RH

#### 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 Home Bargains, Unit 2, Aviemore Retail Park, Aviemore, PH22 1RH.

#### 1.0 Description of premises

1.1 Home Bargains is situated within a retail park on the outskirts of Aviemore and consists of general grocers with the sale of alcohol being ancillary to the sale of household goods and foodstuffs.

#### 2.0 Operating hours

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

**Off sales:**

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 11 September 2017 the Licensing Board received an application for the provisional grant of a premises licence from T J Morris Ltd.

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

3.2 The application was publicised during the period 18 September until 9 October 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](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 provisional premises licence application has been lodged on behalf of T J Morris Ltd by agents acting on their behalf. The application has been

accompanied by the section 50 certificate required in respect of planning and the appropriate fee has been paid.

(ii) From the plans submitted, the premises appear suitable for the sale of alcohol by way of off sales. The hours of operation are in line with the hours stipulated within the Licensing (Scotland) Act 2005.

(iii) The alcohol capacity is quoted as 30 square metres which is within the current threshold for consideration of the question of over-provision, in line with Board Policy.

(iv) The relevant site notice has been displayed for 21 days and as yet no objections or representations have been received.

(v) Home Bargains currently operate licensed shops within the Highland area and have a good track record of diligence in relation to alcohol sales.

(vi) From the operating plan submitted it is the opinion of the LSO that should the application be granted, there would be no adverse impact as far as the licensing objectives are concerned.

## **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/614  
Date: 17 October 2017  
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