

The Highland Licensing Board

Meeting – 4 December 2018

Agenda Item	6.1
Report No	HLB/123/18

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

High 5 Gifts and Spirits, 55 High Street, Kingussie, PH21 1HX

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 High 5 Gifts and Spirits, 55 High Street, Kingussie, PH21 1HX.

1.0 Description of premises

1.1 The High 5 Gifts and Spirits is situated in the centre of Kingussie and consists of a small shop offering a range of local spirits, liquors and beers for off sales.

2.0 Operating hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 25 September 2018 the Licensing Board received an application for the grant of a premises licence from Partnership of Kim Clark and Aimee Gow.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.2 The application was publicised during the period 22 October until 12 November 2018 and confirmation that the site notice was displayed 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://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 For the purposes of the Act, the licensing objectives are-
- (a) preventing crime and disorder,
 - (b) securing public safety,
 - (c) preventing public nuisance,
 - (d) protecting and improving public health, and
 - (e) protecting children and young persons from harm.

4.3 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) An application has been received in respect of a retail shop at, 55 High Street, Kingussie. The premises which will trade under the name of High 5 Gifts and Spirits seeks an alcohol premises licence to sell alcohol by way of off sales.
- (ii) The application has been accompanied by the necessary section 50 certificates relating to planning, building standards and food hygiene. The hours requested for selling alcohol, are within the hours allowed within the Licensing (Scotland) Act 2005. The premises themselves are suitable for the sale of alcohol in the manner described within the operating plan.
- (iii) The alcohol display area is listed as 10 square metres, which is well under the current threshold required for the Board to consider the question of overprovision.
- (iv) Following the public consultation phase of the application, no objections or representations have been received.
- (v) The LSO is satisfied having reviewed the operating plan that the operation will comply with 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 are 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/632
Date: 16 November 2018
Author: Marjory Bain