

The Highland Licensing Board

Meeting – 14 May 2019

Agenda Item	9.1
Report No	HLB/049/19

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

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

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Glenfold Ltd, Unit 3, 15 Lotland Street, Inverness, IV1 1ST.

1.0 Description of premises

1.1 The premises consist of a retail shop, principally aimed at tourists, selling high quality Scottish souvenirs and other products aimed at the tourist market.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Sunday. 1000 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

(1) Increase alcohol display to 34.21 M2.

(2) New layout plan submitted incorporating new alcohol display.

4.0 Background

4.1 On 19 February 2019 the Licensing Board received an application for a major variation of a premises licence from Glenfold Ltd.

- 4.2 The application was publicised during the period 25 February until 18 March 2019 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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

5.0 Legislation

- 5.1 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 may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;
3. 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.

- 5.2 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.

- 5.3 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.
- 5.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) The premises of UrPal tours occupy a City centre location on Church Street, Inverness. The premises are a taxi office base and specialise in bespoke tours to the historic sites and places of interest in the North of Scotland.
- (ii) The shop also operates as an off sales site for premium brand malt whisky, vodka and artisan gin. The premises have held an alcohol premises licence from June 2017 and have operated without any adverse issue since then, attracting several tourism based awards for the services they provide.
- (iii) The premises have been visited by the LSO and are operating in accordance with the terms and conditions of their licence.
- (iv) Application has been made to increase the range of stock due to the popularity of the business to 34.21 square metres, which is under the threshold that the Board has set for considering the issue of over provision. In essence, the premises are very much a specialist whisky/gin outlet. Amended layout plans of suitable quality have been submitted.
- (v) The site notice has been displayed for the required 21 days. No objections or representations have been received following the public consultation phase of the application.
- (vii) The LSO is of the opinion that should the Board see fit to grant the application, there will be no threat to the licensing objectives.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

There are no existing local conditions and it is not considered necessary to attach any.

8.3 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: 29 April 2019
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