

The Highland Licensing Board

Meeting – 3 December 2019

Agenda Item	7.1
Report No	HLB/111/19

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

Home Bargains, Balmakeith Business Park, Forrest Road, Nairn, IV12 5QF

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, Balmakeith Business Park, Forrest Road, Nairn, IV12 5QF.

1.0 Description of premises

1.1 The Home Bargains is situated on the outskirts of Nairn and consists of a purpose built supermarket also selling a wide range of household goods.

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 3 October 2019 the Licensing Board received an application for the provisional grant of a premises licence from T J Morris (Scot) Ltd.

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

3.2 The application was publicised during the period 21 October until 11 November 2019 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 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 from Home Bargains to develop a supermarket facility at Balmakeith Business Park, Forres Road, Nairn. The application has been submitted with a Disability Access Statement and the necessary Section 50 Certificate relating to planning.
- (ii) The hours applied for are compliant with the statutory limits for off sales stated in the Licensing (Scotland) Act 2005. The capacity of the alcohol display is quoted as 38.52 square metres which is within the 40 square metre stipulation within the Board's Policy whereby, overprovision would be considered.
- (iii) Home Bargains currently operate stores with off sales facilities in a number of Highland locations and compliance visits have shown the operators to be diligent in respect of their licensing requirements.
- (iv) The operating plan has been overviewed by the LSO who is satisfied it complies with the licensing objectives.
- (v) Following the public consultation phase of this application, no objections or observations have been received by the Licensing Board.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 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/649
Date: 18 November 2019
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