

**The Highland Licensing Board**

**Meeting – 12 May 2020**

Agenda Item	<b>5.7</b>
Report No	<b>HLB/022/20</b>

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

**Black Orchid Gifts Ltd, 88 High Street, Alness**

**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 Black Orchid Gifts Ltd, 88 High Street, Alness.

**1.0 Description of premises**

1.1 The premises comprise of a gift shop stocking jewellery, gifts and home accessories. The applicant proposes to also sell artisan and craft spirits.

**2.0 Operating hours**

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

**On sales:**

Monday, Tuesday, Wednesday, Friday and Saturday: 1000 hrs to 1800 hrs  
Thursday: 1000 hrs to 2000 hrs  
Sunday: 1000 hrs to 1700 hrs

**3.0 Background**

3.1 On 23 January 2020 the Licensing Board received an application for the grant of a premises licence from Black Orchid Gifts Ltd.

3.2 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.

3.3 The application was publicised during the period from 21 February to 13 March 2020 and confirmation that the site notice was displayed has been received.

- 3.4 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.
- 3.5 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](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.
- 4.2 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.

4.3 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.

4.4 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:-

- a) The premises known as Black Orchid Gifts are located on Alness High Street, Easter Ross.
- b) The premises are primarily a gift shop stocking jewellery, gifts and home accessories.
- c) The applicant would like to include artisan and specialised craft spirits for sale within the shop.
- d) The application has been overviewed by the LSO who is content that it complies with current Board policy and meets the requirements of the five licensing objectives.
- e) The off sales display is 3.0m<sup>2</sup> which is well within the current overprovision threshold operated by the Highland Licensing Board.
- f) The applicant has operated with occasional licences since September 2019 without any issues.
- g) During the public consultation phase of this application, no objections or observations were 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

None to apply.

### **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/CSR/1941  
Date: 17 March 2020  
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