

The Highland Licensing Board

Meeting – 30 March 2021

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| Agenda Item | 6.1 |
| Report No | HLB/021/21 |

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

Two Thirsty Men, 41-45 High Street, Grantown-on-Spey, PH26 3EG

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 Two Thirsty Men, 41-45 High Street, Grantown-on-Spey, PH26 3EG.

1.0 Description of premises

1.1 The Two Thirsty Men is situated in Grantown-on-Spey town centre and consists of a retail shop with stock room to the rear.

2.0 Operating hours

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

Off sales:

Monday to Saturday: 1200 hours to 2200 hours
Sunday: 1200 hours to 1600 hours

3.0 Background

3.1 On 13 January 2020 the Licensing Board received an application for the grant of a premises licence from Two Thirsty Men Ltd.

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 25 January until 15 February 2021 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) Application has been received to establish a dedicated off sales shop on High Street, Grantown on Spey.
- (ii) The applicant has for some time operated a microbrewery selling craft ales to local trade outlets, he now wishes to establish his business in dedicated premises with a shop facility attached.
- (iii) Full layout plans have been submitted and the premises appears suitable for the sale of alcohol as indicated in the submitted operating plan.
- (iv) The necessary certificates in respect of Planning, Building Control and Food Hygiene have been submitted along with the application. The hours of operation requested are within the core hours permitted for off sales within the Licensing (Scotland) Act 2005.
- (v) The off sales display capacity is well within the current threshold of 40 square metres in Board Policy under which local over provision is considered.
- (vi) The LSO is of the opinion that should the Board consider granting the application, there will be no adverse issue in respect of the 5 licensing objectives, the shop will stock craft ales and spirits not high street brands.
- (vii) Following the public consultation phase of this application no objections or representations have been received by the 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 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/658
Date: 12 March 2021
Author: Marjory Bain