

The Highland Licensing Board

Meeting – 26 October 2021

Agenda Item	7.3
Report No	HLB/084/21

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

Bottle Exchange Ltd, 38 Murkle View, Thurso

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a provisional premises licence in respect of Bottle Exchange Ltd, 38 Murkle View, Thurso.

1.0 Description of premises

1.1 The premises will be used to operate an online platform allowing the sale of alcohol. There will be no entry to the premises to any members of the public in connection with the sale of alcohol.

2.0 Operating hours

2.1 The applicant seeks the following hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 7 September 2021 the Licensing Board received an application for the provisional grant of a premises licence from Bottle Exchange 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 17 September to 8 October 2021 and confirmation that the site notice was displayed is awaited.

- 3.4 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.
- 3.5 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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) Bottle Exchange is a new online business, which is based upon the sale, auction and exchange of alcohol, all done online. This is an application for Off Sales.
- b) The business is to be based in a premises at 38 Murkle View, Thurso.
- c) This is a semi-detached single storey house in a predominantly residential area on outskirts of Thurso, Caithness
- d) The application is for the online sale of alcohol and there will be no customer or public attendance at the premises.
- e) The core hours applied for are within the policy of the Highland Licensing Board.
- f) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- g) The layout plan submitted complies with the required specifications.
- h) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- i) During the period of consultation, no timeous objections have been received.
- j) Appropriate Section 50 certificates have been completed.
- k) I have no objection to this application.

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 and if minded to grant the 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/1812
Date: 6 October 2021
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