

## The Highland Licensing Board

Meeting – 20 June 2022

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|-------------|------------|
| Agenda Item | 10.2       |
| Report No   | HLB/050/22 |

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

Matthew's Foods, 21A Harbour Road, Inverness, IV1 1SY

#### 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 Matthew's Foods, 21A Harbour Road, Inverness, IV1 1SY

#### 1.0 Description of premises

1.1 The Matthew's Foods is situated in Longman area of Inverness and consists of an Oriental Food Store.

#### 2.0 Operating hours

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

**Off sales:**

Monday to Sunday: 1000 hours to 1800 hours

#### 3.0 Background

3.1 On 4 April 2022 the Licensing Board received an application for the grant of a premises licence from Matthew's Foods (Scotland) Limited.

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 11 May until 1 June 2022 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:

[https://www.highland.gov.uk/downloads/file/6399/licensing\\_hearings\\_procedure/licensing\\_board](https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board)

#### **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) Matthews Foods is a specialist Chinese supermarket based in a commercial district of Inverness. The company is well established in Scotland having six similar outlets currently established.

(ii) The premises have been visited by the LSO and they are suitable for the sale of alcohol as described within the operating plan. The proposed alcohol display area is well within the current threshold set by HLB for the consideration of the question of overprovision. Good supervision of this area is afforded by it being placed in direct line of sight from the till areas.

(iii) The necessary section 50 certificates, disabled access statement and layout plans have accompanied the application.

(iv) It is the LSO's opinion that the application is in keeping with the licensing objectives.

(v) Following the public consultation phase of this application there have been no objections or representations received by HLB.

## **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

### **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/669

Date: 1 June 2022

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