

The Highland Licensing Board

Meeting – 6 September 2022

Agenda Item	6.3
Report No	HLB/081/22

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

International Food Store (FW) Ltd, Unit 1, Airds Crossing, Fort William, PH33 6EU

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 the International Food Store (FW) Ltd, Unit 1, Airds Crossing, Fort William, PH33 6EU

1.0 Description of premises

1.1 The International Food Store (FW) Ltd is situated in Fort William town centre and will operate as a mini market providing fresh fruit and vegetables and general food and alcohol for off-sales.

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 11 July 2022 the Licensing Board received an application for the grant of a premises licence from International Food Store (FW) Limited per Brenda Johnson, 3d Architectural-Highland.

The application was accompanied by a Disabled Access Statement.

3.2 The application was publicised during the period 3 August 2022 until 24 August 2022 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:

[Licensing hearings procedures | Licensing hearings procedure \(Licensing Board\) \(highland.gov.uk\)](https://www.highland.gov.uk/licensing-hearings-procedures)

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:-

- An alcohol premises licence application has been received for a medium sized food market situated in Fort William town centre.
- The applicants own and operate a similar sized premises in Inverness, these premises have a sound operating history and a good record of compliance.
- The application concerns selling alcohol by way of off sales only, albeit home delivery and click and collect are methods of sale. The premises are suitable for the sale of alcohol as described within the submitted operating plan. The operating plan is compliant with the 5 licensing objectives in the opinion of the LSO.
- The alcohol display is well within the current threshold set by Highland Licensing Board for considering the question of over provision.
- Section 50 certificates relating to Planning, Building Control and Food Hygiene have been submitted as has a Disabled Access Statement.
- During the public consultation phase of this application, no objections or representations have been received by Highland 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 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/RSL/2025
Date: 25 August 2022
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