

The Highland Licensing Board

Meeting – 6 September 2022

Agenda Item	7.1
Report No	HLB/082/22

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

The Cellar, 94A Old Edinburgh Road, Inverness, IV2 3HT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of The Cellar, 94A Old Edinburgh Road, Inverness, IV2 3HT.

1.0 Description of premises

1.1 The Cellar is situated a short distance from the City Centre and consists of a detached retail trading unit with storage and packaging facilities.

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 30 June 2022 the Licensing Board received an application for the provisional grant of a premises licence from The Grand Whisky Action Limited.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 25 July until 15 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:

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) A provisional premises licence application has been submitted for a former retail premises at 94A Old Edinburgh Road, Inverness. The application is made by a company who sell malt whisky by way of auction.

(ii) The premises will be used as a storage facility, as well as providing a service for the packaging and despatch of whisky following on-line sale. There is a small reception area for the clients to call and collect purchases; a small specialist whisky display will be at the reception area offering rare malts to buyers.

(iii) The display (7.54 square metres) will be well within the current threshold set by Highland Licensing Board for the consideration of overprovision at 40 square metres.

(iv) A section 50 certificate relating to planning has accompanied the application as has a disability access statement. The premises in the view of the LSO are suitable to sell alcohol as described within the operating plan.

(v) During the public consultation phase of this application no objection or representation has been received by HLB.

(vi) The application in the view of the LSO is compliant with the 5 licensing objectives.

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/673
Date: 19 August 2022
Author: Marjory Bain