

The Highland Licensing Board

Meeting – 14 February 2023

Agenda Item	7.2
Report No	HLB/011/23

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

Campbells of Beauly, High Street, Beauly, IV4 7BU

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 Campbells of Beauly, High Street, Beauly, IV4 7BU

1.0 Description of premises

1.1 The Campbells of Beauly is situated on High Street, Beauly and consists of a retail store selling mens, ladies and children's clothing as well as household goods.

2.0 Operating hours

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

Off sales:

Monday to Saturday: 1000 hours to 2000 hours

3.0 Background

3.1 On 14 November 2022 the Licensing Board received an application for the grant of a premises licence from Campbells of Beauly.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 26 December 2022 until 16 January 2023 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:

[Highland Licensing Board - 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) Campbells of Beauly is a retail shop specialising in the manufacture and sale of Highland clothing. The shop is situated on Beauly, High Street.

(ii) Application is made to offer alcohol for sale by way of off sales from the premises. In essence, this is to allow sales of whisky and gin bottled specifically for the business and is seen very much as an ancillary service to customers purchasing high end fashion items.

(iii) The LSO has visited the premises which are suitable for selling alcohol in the manner described within the application. The application has been submitted with the 3 section 50 certificates pertaining to Planning, Building Control and Food Hygiene. A Disabled Facilities Statement has also been submitted.

(iv) The off sales display in the shop is very small being 6 feet square, well within the parameters set by the HLB for considering overprovision. Alcohol will also be sold via online demand and a home delivery service maybe offered. The operating plan is compliant with the 5 licensing objectives.

(v) During the public consultation phase of this application no objections or representations have been received by the 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/INBS/678
Date: 30 January 2023
Author: Marjory Bain