

The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	7.4
Report No	HLB/027/23

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

Moonshine, Unit 6, The Victorian Market, Inverness, IV1 1JN

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 Moonshine, Unit 6, The Victorian Market, Inverness, IV1 1JN

1.0 Description of premises

1.1 The Moonshine is situated in a unit with the Victorian Market, Inverness and consists of a retail unit in the refurbished Victorian Market.

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 8 February 2023 the Licensing Board received an application for the grant of a premises licence from Inverness Beer Ltd, Flat 1, Aultnaskiach House, Inverness, IV2 4BB.

The application was accompanied by a Disabled Access Statement.

3.2 The application was publicised during the period 13 February until 7 March 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) An application for a premises licence has been received from Mr Matt Macpherson. This is for a retail unit within the refurbished area of the Victorian Market, Inverness.

(ii) Sales of alcohol will be provided solely by way of off-sales. The premises have traded for several months on occasional licences without issue. The applicant is experienced in the licensing trade having run successfully, the nearby Malt Room premises.

(iii) The application has been reviewed by the LSO who considers it meets the standards of the 5 licensing objectives. The hours applied for conform with those hours allowed for off sales within the Licensing (Scotland) Act 2005. The premises themselves are suitable for their intended use. The alcohol display is well within the current threshold set by HLB for considering over provision.

(iv) The necessary Section 50 certificates and Disabled Access Statement have accompanied the application.

(v) During the public consultation phase of the application, no objections or representations have been 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

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/686
Date: 13 March 2023
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