

The Highland Licensing Board

Meeting – 28 March 2023

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| Agenda Item | 8.1 |
| Report No | HLB/030/23 |

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

Tennents, Seafield Road, Inverness

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 Tennents Caledonian, 10 Seafield Road, Inverness, IV1 1SG

1.0 Description of premises

1.1 The Tennents Caledonian is situated on the Longman Industrial Estate, Inverness and consists of a single storey warehouse.

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 22 December 2022 the Licensing Board received an application for the provisional grant of a premises licence from Tennent Caledonian Breweries Limited.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 13 February until 6 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) A premises licence application has been submitted for the premises of Tennant Caledonian, 10 Seafield Road, Inverness.

(ii) In the main, this is a warehouse building supplying alcohol directly to the licensed trade. This is a process for which ordinarily an alcohol premises licence would not be required. However, the Company allow their employees to purchase alcohol (legitimately above minimum pricing) on the premises for off sales consumption, hence this application.

(iii) A premises licence application compliant with the 5 licensing objectives has been submitted, together with section 50 certificates relating to planning, building control and food hygiene. A disabled access statement is also submitted with layout plans.

(iv) The LSO is satisfied that if the HLB were to grant this licence there would be no adverse community impact.

(v) Following public consultation processe no objections or representations were submitted to 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/681
Date: 13 March 2023
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