

The Highland Licensing Board

Meeting – 1 August 2023

Agenda Item	7.2
Report No	HLB/081/23

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

Merchants Delicatessen, 1 Merchant House, 51-53 Castle Street, Inverness, IV2 3DU

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 Merchants Delicatessen, 1 Merchant House, Castle Street, Inverness, Inverness, IV2 3DU

1.0 Description of premises

1.1 The Merchants Delicatessen is situated on Castle Street, Inverness and consists of a street level shop.

2.0 Operating hours

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

Off sales:

Monday to Sunday: 1000 hours to 2000 hours

3.0 Background

3.1 On 6 June 2023 the Licensing Board received an application for the provisional grant of a premises licence from Caledonian Delicatessen Limited.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 19 June until 10 July 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 provisional premises licence application has been received for a Delicatessen Shop in Castle Street, Inverness.

(ii) The application has been submitted with the necessary Section 50 Certificate relating to Planning.

(iii) The LSO has reviewed the proposed operating plan and is of the opinion, that it complies with the 5 licensing objectives. As alcohol will be sold on the premises solely by way of off sales, the application complies with the permitted hours allowed within the Licensing (Scotland) Act 2005. In addition, the application also complies with current Board Policy relating to the size of alcohol display area being well within the current threshold of 40 square metres whereafter, overprovision is considered.

(iv) The emphasis of the premises is very much that the range of alcohol on sale will be prime quality products, complimenting the range of foodstuffs on offer.

(v) The applicants already operate an on sales premises in the Church Street area of Inverness, and have proved themselves to be competent and diligent operators, fully aware of their licensing compliance responsibilities.

(vi) During the public consultation phase of this application no objections or representations were received by the 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/682

Date: 11 July 2023

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