

**The Highland Licensing Board**

**Meeting – 13 February 2024**

Agenda Item	6.2
Report No	HLB/14/24

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

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

**Inverness Whisky, Market Close, Inverness, IV1 1EX**

**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 Inverness Whisky, Market Close, Inverness, IV1 1EX

**1.0 Description of premises**

1.1 The Inverness Whisky is situated on Market Close opposite The Malt Room Bar and consists of shop premises.

**2.0 Operating hours**

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

**On sales:**

Monday to Sunday: 1000 hours to 2200 hours

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

**Off sales:**

Monday to Sunday: 1000 hours to 2200 hours

**3.0 Background**

3.1 On 13 December 2023 the Licensing Board received an application for the grant of a premises licence from Inverness Whisky Ltd.

The application was accompanied by a Disabled Access Statement.

- 3.2 The application was publicised during the period 18 December 2023 until 8 January 2024 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) Inverness Whisky is a specialist Malt Whisky Shop, situated in a small Close off Church Street, Inverness. The premises has been trading for several months now under the authority of occasional licences. No adverse reports or issues have arisen.

(ii) The applicant owns a specialist whisky bar - The Malt Room, directly opposite these premises, and this predominantly off sales shop is seen as a complimentary business.

(iii) The application has been submitted with the necessary Section 50 certificates, disabled access statement and layout plans. The operating plan in the opinion of the LSO, complies with the licensing objectives.

(iv) Application is made for both on and off sales provision to allow whisky tastings to take place on the premises aside from the core off sales business. The alcohol display area is 26 metres square, falling below the current threshold for considering over provision.

(v) Following 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 2023-28
- (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**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition from the schedule of local conditions:

(g) Alcohol may be sold prior to 1100 hours for consumption on the premises only during a formal or tutored tasting session and only to customers taking part in such a tasting session.

### **7.3 Special conditions**

No special conditions are considered necessary.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para. 7.2 above.

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/698  
Date: 15 January 2024  
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