

## The Highland Licensing Board

Meeting – 8 October 2024

Agenda Item	8.1
Report No	HLB/98/24

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

Strachans of Nairn, 18 High Street, Nairn, IV12 4AH

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for the provisional grant of a premises licence in respect of Strachans of Nairn, 18 High Street, Nairn, IV12 4AH.

#### 1.0 Description of premises

1.1 The Strachans of Nairn is situated on High Street, Nairn and consists of convenience store.

#### 2.0 Operating hours

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

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 13 June 2024 the Licensing Board received an application for the provisional grant of a premises licence from Manickarajah Edmund Ranjith.

The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.2 The application was publicised during the period 15 July until 5 August 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, the following timeous notices of objections have been received and are appended:

Nairn River Community Council per Hamish Bain  
Denise J H Bruno  
Kathleen Louise Bruno

### 3.6 Late objection

A late objection was received on 6 August 2024, after the deadline. As such, it cannot be considered automatically and has not been circulated. The Board may, having heard from the late objector and the applicant, consider the late objection, if satisfied that:

- (a) the failure is due to mistake, oversight or other excusable cause; and
- (b) the Board considers it appropriate in all the circumstances to relieve the failure to meet the deadline.

3.7 The applicant and the objector(s) have been invited to attend the hearing. They have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

[http://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_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 the newsagents Strachans of Nairn, 18 High Street, Nairn. IV12 4AH

(ii) The premises are a well established Newsagents/Stationers/Convenience Store in the main thoroughfare through the centre of Nairn.

Application has been made for a provisional licence to allow for the sale of alcohol by way of off Sales only with operating hours:

Monday – Sunday – 1000 hours until 2200 hours

Whilst application is sought from 1000 hours until 2200 hours Monday to Sunday, the operating model for the premises will continue to be based around the current core business hours of 0600 hours until 1700 hours Monday to Sunday, however, the hours applied for will permit management to extend the core business hours in the future, if they feel there is sufficient demand and it is financially viable to do so.

(iii) The hours applied for are within the allowed hours for off sales prescribed within the Licensing (Scotland) Act 2005

iv) The initial application submitted included a request for home delivery service as part of the operating plan. Following discussion with the applicant and highlighting the objections to his application, he was happy to remove this request from the application as it was not his intention to make use of the service in the initial stages of expanding the business. The applicant agreed that if there was a demand for the service in years to come, that he would apply for a variation to the licence if granted.

(v) The premises have been visited by the LSO and are suitable for the operation of the business as described within the operating plan. Off sales capacity has been calculated at 8.6 square metres, which is well within the current threshold set by the Board for consideration of the question of over

provision.

(vi) The necessary Section 50 in respect of Planning and Disabled Access Statement have been submitted.

(vii) The operating plan in the opinion of the LSO, meets the standards of the 5 licensing objectives.

(viii) The applicant has successfully operated off sales premises in England for over 20 years prior to relocating to Nairn.

(ix) During the public consultation phase of this application a representation was received from the Chair of The Nairn River Community Council on behalf of the Community Council. Following discussion with Mr Bain - who liaised with fellow local councillors - he acknowledged as a Community Council they appreciated that the applicant had withdrawn the initial application for a home delivery service but stated that the objection to the application based on overprovision of off licence premises in Nairn remain before the Board.

(x) A further 4 objections were submitted (one is a late submission and, therefore, not considered automatically and one objection has been withdrawn). These submissions centre around the issue of overprovision in Nairn and the likely occurrence of noise and anti-social issues relating to allowing these premises to provide off sales, in particular, the evenings until 2200 hours. Following discussion with 3 of the 4 objectors (Kathleen Bruno is resident in Switzerland), despite the removal of the home delivery aspect of the application, their request remained that their objections go before the board for consideration.

(xi) It is the view of the LSO that the licensing objectives are not compromised by this application.

## **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/703

Date: 18 September 2024

Author: Kata Somogyi

Appendices:

Letters of objection:

Nairn River Community Council per Hamish Bain

Denise J H Bruno

Kathleen Louise Bruno

# NAIRN RIVER COMMUNITY COUNCIL

Comhairle Coimhearsnachd Abhainn Narann



**Highland Council Licensing Board  
Glenurquhart Road  
Inverness**

[chairnrivercc@gmail.com](mailto:chairnrivercc@gmail.com)  
[secretarynrivercc@gmail.com](mailto:secretarynrivercc@gmail.com)

**12/07/2024**

**For the attention of Kata Somogyi**

Nairn River CC wish to object to this application for an alcohol licence for Strachan`s on the High Street, Nairn. There are already enough off-license premises selling alcohol in Nairn, these are:

3 x Co-Ops (2 x Town Centre & 1 x at Tradespark)  
Spar Garage  
Morning Noon & Night  
Sainsbury`s  
Home Bargains  
The Grapemonger on the High Street Brae

All of the above can sell alcohol from 10am until 10pm seven days a week, 12 hours per day.

The application does not provide any evidence as to how proof of age will be obtained when making alcohol deliveries, how that proof is retained nor how transactions will be reversed if the delivery is found to be to an underage person or persons. The Community must first think about protecting youngsters from the effects of alcohol and how it may lead to anti-social behaviour in the town along with any potential future health issues.

On behalf of Nairn River Community Council (NRCC)

**Hamish Bain  
Chair Nairn River Community Council**

**A short disclaimer:**

Finally, please note that our submission is in respect of the proposed development. While we have taken every effort to present accurate information for your consideration, we cannot accept any responsibility for unintentional errors or omissions and you should satisfy yourselves on any facts before reaching your decision.



**REPRESENTATIONS OR OBJECTIONS IN RELATION TO A PREMISES LICENCE  
APPLICATION UNDER THE LICENSING (SCOTLAND) ACT 2005**

Please read the Board's Guidance Notes on How to Object or make Representations in relation to a Premises Licence Application before completing this form. This form when completed should be returned to the nearest office of the Licensing Board using the contact details in the guidance notes or emailed to [licensing@highland.gov.uk](mailto:licensing@highland.gov.uk). Remember, if an objection is rejected by the Board as frivolous or vexatious, the Board may seek to recover expenses from the objector or person making representations

**1. Full Name and Address of person making objection/representation:**

KATHLEEN LOUISE BRUNO	
[REDACTED]	
Telephone Number:	[REDACTED]
Email Address:	[REDACTED]

**2. Address of Premises in respect of which objection / representation is made:**

STRACHANS OF NAIRN 18 HIGH STREET, NAIRN, IV12 4AH
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**3. Details of any OBJECTION:** (complete only if you consider one of the ground for refusal apply)

State ground of objection (refer to ground of objection by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1. Excluded Premises	5. THERE ARE 2 LOCATIONS OPEN CURRENTLY IN THE LOCALITY. COOP HIGH ST - 100 METRES & COOP KING ST - 160 METRES.
2. Off-Sales Hours/24 hour drinking	
3. Licensing Objectives	
4. Activities/Premises/Customers	
5. Over Provision	

**4. Details of any REPRESENTATION:** (complete only if you wish to make a representation in respect of the application)

State details of any representation (refer to representation by number, see guidance notes, and give details): (Continue on separate sheet if necessary)	
1. in support of application	
2. seeking an amendment to the operating plan, or	
3. seeking to add additional conditions to the licence	

Signature:.. [REDACTED] ..... Date... 05.08.24.....



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1. Full Name and Address of person making objection/representation:

DENISE J H BRUNO, WAVERLEY HOTEL,	
Telephone Number:	[REDACTED]
Email Address:	[REDACTED]

2. Address of Premises in respect of which objection / representation is made:

STRACHANS OF NAIRN, 18 HIGH STREET, NAIRN, IV12 4AH
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Signature: [REDACTED]

Date: 05.08.24