

The Highland Licensing Board

Meeting – 26 November 2024

Agenda Item	6.2
Report No	HLB/105/24

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

Home Bargains, Tulloch Street, Dingwall

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a provisional premises licence in respect of Home Bargains, Tulloch Street, Dingwall.

1.0 Description of premises

1.1 The premises is a new built retail store in the centre of Dingwall.

2.0 Operating hours

2.1 The applicant seeks the following hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 9 September 2024 the Licensing Board received an application for the grant of a provisional premises licence from T J Morris (Scot) Limited.

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

3.3 The application was publicised during the period from 14 October to 4 November 2024 and confirmation that the site notice was displayed has been received.

3.4 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.

3.5 Notification of the application was also sent to NHS Highland and the local Community Council.

3.6 Further to this publication and consultation process no timeous objections or representations have been received.

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.

4.2 Relevant grounds of refusal are: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;
3. 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.

4.3 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.

4.4 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

4.5 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- a) This application is for a Home Bargains, household goods and food store business, which is based upon the sale of the usual household goods and food goods associated with this type of premises. This is an application for off sales of alcohol only. The display area for off sales applied for conforms with Highland Licensing Board Policy.
- b) The premises are to be situated in the Ross-shire town of Dingwall.
- c) The core hours applied for are within the policy of the Highland Licensing Board.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The children's policy is not applicable as off sales only.
- f) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- g) I have no objection to this application.

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

None to apply.

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/CSR/2126
Date: 12 November 2024
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