

The Highland Licensing Board

Meeting – 31 March 2015

Agenda Item	8.5
Report No	HLB/028/15

Application for the Grant of a Premises Licence under the Licensing (Scotland) Act 2005

The High Street Merchants, 74 High Street, Grantown on Spey PH26 3EL

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 The High Street Merchants, 74 High Street, Grantown on Spey PH26 3EL

1.0 Description of Premises

1.1 The High Street Merchants premises are situated at 74 High Street, Grantown on Spey. The premises are accessed via a main doorway onto Grantown High Street. The front part of the shop is a gallery area, delicatessen and shop counter area. The off sales display is housed within this area. There is a seated area at the rear of the property with room for 22 seated customers. A courtyard area at the rear of the property has room for a further 16 persons and is classed in licensing terms as an outdoor drinking area. There is no bar counter and drinks orders are by customer request to members of staff via table service. A full food menu is available for customers from 0900 hrs each day.

2.0 Operating Hours

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

On sales:

Monday to Sunday 1000 to 2200 hours.

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

Off sales:

Monday to Sunday 1000 to 2200 hours.

3.0 Background

3.1 On 18 February 2015 the Licensing Board received an application for the grant of a Premises Licence from The High Street Merchants Ltd, per Colin and Donna Stobie, 76 High Street, Grantown on Spey PH26 3EL.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

- 3.2 The application was publicised during the period 23 February 2015 until 16 March 2015 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 (Grantown).
- 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:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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 grant of the application would be inconsistent with one or more of the licensing objectives;
3. 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
4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.

4.2 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:-

The High Street Merchants is a small boutique shop with bistro and outside drinking area situated on the High Street in Grantown on Spey. The area is a mixed commercial and residential area.

The premises have been visited by the LSO and they are suitable for the sale of alcohol.

The necessary Section 50 certificates have been submitted to accompany the application.

The hours applied for are within the policy hours offered by the Highland Licensing Board in respect of premises which are food led. A full menu will operate from 09.00hrs each day until the premises close for business. The applicant understands the requirement in Board policy that alcohol will only be sold to persons taking table meals there.

The premises will offer a range of alcohol for sale as gift items. Off sales displays have been incorporated within the lay out plans and meet the relevant Mandatory Licence Conditions.

The premises have an outside drinking area which will ostensibly operate in the spring and summer months. Although there are residential dwellings nearby, the type of operation and the duration of core hours will, in the opinion of the LSO, not cause any public nuisance.

The premises prior to the submission of this application have operated a few Occasional Licences for "Chef Events". No adverse reports have been received.

The operating plan in the view of the LSO meets all the Licensing Objectives.

6.0 HLB Local Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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:

- F(2) Alcohol may be sold on the premises prior to 1100 hours only to persons taking table meals. Licensing Objective 4.

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/578

Date: 18 March 2015

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Background Papers: The Licensing (Scotland) Act 2005/Application Form.