

The Highland Licensing Board

Meeting – 02 February 2016

Agenda Item	7.1
Report No	HLB/011/16

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

Premises: McColls, 8 Queensgate Street, Inverness IV1 1DA

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 McColls, 8 Queensgate, Inverness IV1 1DA

1.0 Description of Premises

1.1 McColls is a convenience store trading under company own format serving those locally and from further afield. The store sells a range of grocery products, confectionary and soft drinks.

2.0 Operating Hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 10 December 2015 the Licensing Board received an application for the provisional grant of a premises licence from Martin McColl Ltd, Martin McColl House, Ashwells Road, Brentwood, Essex, CM15 9ST per Lockett & Co, Lockett House, 13 Church Street, Kidderminster, Worcestershire DY10 2AH.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

3.2 The application was publicised during the period 14 December 2015 until 04 January 2016 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, Crown.
- 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 premises in question have operated as a city centre newsagent/grocers shop for a number of years before applying for an alcohol licence.

The hours applied for are within the policy hours currently operated by the Highland Licensing Board.

The necessary Section 50 certificate in respect of planning has been submitted. Layout plans submitted are competent and in line with the mandatory licensing conditions.

The alcohol capacity of the premises is well below the current threshold of 40 square metres in respect of overprovision considerations.

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

No Local Conditions are 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/586

Date: 8 January 2016

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