

The Highland Licensing Board

Meeting – 2 August 2017

Agenda Item	7.2
Report No	HLB/084/17

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

Grants Fine Foods, Unit 5D Dornoch Industrial Estate, Dornoch, IV25 3PG

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 Grants Fine foods, Unit 5D Dornoch Industrial Estate, Dornoch, IV25 3PG.

1.0 Description of premises

1.1 The premises are a single storey retail deli and food shop within unit at Dornoch Industrial Estate, Dornoch.

2.0 Operating hours

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

Off-sales:

Monday to Saturday 1000 hrs to 1700 hrs

3.0 Background

3.1 On 13 June 2017 the Licensing Board received an application for the grant of a premises licence from Grants Fine Foods.

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

3.3 The application was publicised during the period 19 June until 10 July 2017 and confirmation that the site notice was displayed has been received.

3.4 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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.

- 3.7 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 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 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:-
- 5.2 The applicant currently operates a small, single storey deli and food shop at Dornoch Industrial Estate, Dornoch
- 5.3 The application now wishes to sell a small range of alcohol and applies for a premises licence for off-sales hours of 1000 to 1700 hrs daily Monday to Saturday. The premises do not trade on a Sunday.

- 5.4 The proposed alcohol capacity of 0.72 m² falls below the threshold of 40 m² in terms of the Highland Licensing Board overprovision policy statement.
- 5.5 The licensed hours applied for are within policy for both off-sales premises and the activities or services to be provided are appropriate for the specified operation.

6.0 HLB local policies

- 6.1 The following policies are relevant to the application:-
- (i) Highland Licensing Board Policy Hours
 - (ii) Highland Licensing Board Policy Statement 2013-18
 - (iii) The Highland Licensing Board Equality Strategy
 - (iv) Schedule of Local Conditions

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.

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 objection in question.

Reference: HC/CSR/1827
Date: 12 July 2017
Author: L Gunn
Background Papers: The Licensing (Scotland) Act 2005