

## The Highland Licensing Board

Meeting – 5 December 2017

Agenda Item	10.5
Report No	HLB/139/17

### Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

UrPal Tours, 55 Church Street, Inverness, IV1 1DR

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Glenfold Limited, Unit 3, 15 Lotland Street, Inverness, IV1 1ST.

#### 1.0 Description of premises

1.1 The premises consist of a retail shop situated in the city centre, principally aimed at tourists visiting Inverness, selling high quality Scottish souvenirs and other products aimed at the tourist market. The premises also offer delivery of their products including alcohol, within the Highlands and by mail order.

#### 3.0 Summary of variation application

##### 3.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

- (1) Increase of alcohol capacity for shop display (to 12.51 m<sup>2</sup>).
- (2) Add whisky/gin/beer tastings to section 5(r) of operating plan.
- (3) Revised shop layout to incorporate new display and licensed tasting area.
- (4) Under activities 5(f) add: 'Tastings of alcoholic products will be offered to customers during licensed hours'.

#### 4.0 Background

- 4.1 On 20 October 2017 the Licensing Board received an application for a major variation of a premises licence from Glenfold Limited.
- 4.2 The application was publicised during the period 30 October until 20 November 2107 and confirmation that the site notice was displayed has been received.

- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

## **5.0 Legislation**

- 5.1 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 may be: -

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.

- 5.2 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.

- 5.3 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.

5.4 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

(i) The premises concerned are a taxi office situated on Church Street, Inverness, which incorporates a customers' lounge. The premises were granted an alcohol premises licence in June 2017. This was to sell malt whisky and gin by way of off sales to customers who undertook tours of local producers .

(ii) The premises have been inspected by the LSO and are suitable for selling alcohol in this way. The premises manager has developed sound processes for ensuring licensing compliance.

(iii) Such has been the success of the venture; that application is now made to increase the off sales capacity in order to display a more diverse range of stock. The proposed increase in the capacity to 12.51 square metres is well within the threshold for considering the question of overprovision.

(iv) The LSO is of the opinion, that should the Board be minded to grant this application, there will be no adverse impact in respect of the licensing objectives.

(v) No local licensing conditions recommended.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **8.2 Local conditions**

There are no existing local conditions and it is not considered necessary to attach any.

### 8.3 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/608  
Date: 21 November 2017  
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