

## The Highland Licensing Board

Meeting – 6 November 2018

Agenda Item	9.3
Report No	HLB/115/18

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

Hotel Chocolat, Unit 27 Eastgate Shopping Centre, 11 Eastgate, Inverness, IV2 3PP

### 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 Hotel Chocolat, Unit 27 Eastgate Shopping Centre, 11 Eastgate, Inverness, IV2 3PP.

#### 1.0 Description of premises

1.1 The Hotel Chocolat is situated in Eastgate Centre, Inverness and consists of a sit down coffee shop and alcohol off sales, along with pre-packaged snacks.

#### 2.0 Operating hours

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

##### Off sales:

Monday to Sunday: 1000 hours to 2100 hours

#### 3.0 Background

3.1 On 18 September 2018 the Licensing Board received an application for the provisional grant of a premises licence from Hotel Chocolat Retail Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning.

3.2 The application was publicised during the period 24 September until 15 October 2018 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.
- 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://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

#### **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 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.

4.3 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:-

(i) Application has been made for a provisional premises licence by the applicant for a retail shop situated within the Eastgate Centre, Inverness.

(ii) The premises are suitable for the type of business operation as described within the operating plan. The shop will sell traditional beverages such as tea, coffee, hot chocolate and confectionary items as well as a range of alcohol products available for sale by way of off sales only.

(iii) As an off sales premises, the question of alcohol capacity requires to be considered by the Board. Currently there is a presumption against any application in excess of 40 square metres. As the capacity within this application comes in at a total of 7.5 square metres there is no issue to consider.

(iv) The LSO has reviewed the operating plan submitted, and finds that it is compliant in respect of the 5 licensing objectives. The necessary section 50 certificate has been submitted in respect of planning.

(v) Following the statutory consultation phase of the application, no objections or representations have been received.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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 considered necessary.

### 7.3 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/631  
Date: 22 October 2018  
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