

The Highland Licensing Board

Meeting – 12 May 2020

Agenda Item	6.1
Report No	HLB/025/20

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

Tornagrain Stores, 2 Douglas Court, Tornagrain, IV2 8AL

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 Tornagrain Stores, 2 Douglas Court, Tornagrain, IV2 8AL.

1.0 Description of premises

1.1 The Tornagrain Stores is situated within a new housing development at Tornagrain and consists of semi-detached retail unit at street level operating as a small supermarket.

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 25 October 2019 the Licensing Board received an application for the provisional grant of a premises licence from Mooney's Store Ltd.

The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.2 The application was publicised during the period 27 January until 17 February 2020 and confirmation that the site notice was displayed has been received.

3.3 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.

3.4 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

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) An application has been made for a provisional premises licence for a small general store at 2 Douglas Court, Tornagrain. Tornagrain is a small new village, situated in the Dalcross area of Inverness. Currently there is no other retail provision in this area.
- (ii) From the plans submitted, the premises appear suitable for the sale of alcohol. The alcohol capacity is listed as 8.28 square metres which is well inside the threshold set by the Highland Licensing Board for considering the question of overprovision. Layout plans of appropriate quality have been submitted along with the application.
- (iii) A section 50 certificate relating to planning has accompanied the application. The applicant already owns and operates a licensed grocers in the Merkinch area of Inverness and is therefore conversant with the licensing requirements of the Licensing (Scotland) Act 2005.
- (iv) The LSO has reviewed the content of the operating plan submitted and is satisfied that it is in line with the licensing objectives.
- (v) Following the public consultation phase of this application, no objections or observations have been received by the Highland Licensing Board.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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/651
Date: 17 March 2020
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