

The Highland Licensing Board

Meeting – 3 August 2021

Agenda Item	7.2
Report No	HLB/067/21

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

Highland Whisky Shop, 23 Castle Street, Inverness, IV2 3EP

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 Highland Whisky Shop, 23 Castle Street, Inverness, IV2 3EP.

1.0 Description of premises

1.1 The Highland Whisky Shop is situated on Castle Street in Inverness City Centre and consists of shop selling an extensive range of quality spirits and associated products.

2.0 Operating hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 16 June 2021 the Licensing Board received an application for the provisional grant of a premises licence from Gur Wine and Spirits Business Consultancy Limited.

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 28 June until 19 July 2021 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

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 for a provisional premises licence has been made for these premises situated in Inverness City Centre on Castle Street.

(ii) The application has been accompanied by the necessary Section 50 certificate relating to Planning, Disabled Access Statement acceptable lay out plans.

(iii) The premises are suitable for the sale of alcohol as described within the application. Capacity for alcohol display does not exceed the threshold of 40 square metres set by the HLB, for the consideration of the question of over provision.

(iv) The operating plan does not pose any issues in respect of the 5 licensing objectives.

(v) The premises will trade in mainly high end spirits attractive to the tourist visitor, tutored whisky and gin tastings maybe held on the premises under the supervision of trained staff. Off sales will be offered both to over the counter customers and to internet and telephone sales.

(vi) During the statutory consultation period no objections or representations have been received by the HLB.

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the schedule of local conditions:

(g) Alcohol may be sold prior to 1100 hours for consumption on the premises only during a formal or tutored tasting session and only to customers taking part in such a tasting session.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para. 7.2 above.

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/663

Date: 19 July 2021

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