

## The Highland Licensing Board

Meeting – 13 February 2024

|             |           |
|-------------|-----------|
| Agenda Item | 6.1       |
| Report No   | HLB/13/24 |

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

Invermoriston Community Shop, Glenmoriston Buildings, Invermoriston, IV63 7YA

### 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 Invermoriston Community Shop, Glenmoriston Buildings, Invermoriston, IV63 7YA

#### 1.0 Description of premises

1.1 The Invermoriston Community Shop is situated in the village of Invermoriston and consists of a shop on the ground floor and flat above.

#### 2.0 Operating hours

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

##### Off sales:

Monday to Saturday: 1000 hours to 1715 hours  
Sunday: 1000 hours to 1615 hours

#### 3.0 Background

3.1 On 6 December 2023 the Licensing Board received an application for the grant of a premises licence from Invermoriston Community Shop Limited.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 18 December 2023 until 8 January 2024 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:

[Highland Licensing Board - 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) Invermoriston Community Shop is situated at the centre of the small village of Invermoriston. The premises have operated as a community shop since 2009 and ceased to trade in 2021.

(ii) New owners have now taken on the shop and refurbished it, with the intention of providing a valuable community service. The LSO has visited the premises and in his view are suitable for the sale of alcohol.

(iii) Presently the premises are selling alcohol in the manner described within the operating plan under the authority of occasional licences.

(iv) The application has been submitted with the required section 50 certificates and disabled access statement. Hours applied for, are well within the hours allowed for off sales premises under the Licensing (Scotland) Act 2005, the alcohol display areas are also well below the 30 square metre threshold for consideration of over-provision.

(v) The applicants when interviewed, have a good grasp of the licensing law pertaining to running such a shop.

(vi) The operating plan in the opinion of the LSO complies with the 5 licensing objectives.

(vii) Following the public consultation phase of this application, no objections or representations have been received by the Board.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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/697  
Date: 15 January 2024  
Author: Marjory Bain