

The Highland Licensing Board

Meeting – 7 May 2024

Agenda Item	8.7
Report No	HLB/46/24

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

Two Thirsty Men, 41-45 High Street, Grantown-on-Spey 658

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Two Thirsty Men Ltd, 1 South Street, Grantown-on-Spey, PH26 3HZ.

1.0 Description of premises

1.1 Two Thirsty Men is a retail shop situated on High Street, Grantown-on-Spey.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Saturday: 1200 hours to 2200 hours
Sunday: 1200 hours to 1600 hours

3.0 Summary of variation application

3.1 Variation sought

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

(1) Amend off sales hours to 1000-2200 hours Monday-Sunday.

4.0 Background

- 4.1 On 18 March 2024 the Licensing Board received an application for a major variation of a premises licence from Two Thirsty Men Ltd.
- 4.2 The application was publicised during the period 25 March until 15 April 2024 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:

www.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 referred to in this application are a craft beer shop, selling by way of off sales situated in the centre of Grantown.

(ii) The trading history of the premises is incident free. Products are high quality craft beers, not cheap brands of alcohol.

(iii) Application has been made to alter the core hours of the premises to 1000 hrs to 2200 hrs Monday to Sunday. Such alteration complies with HLB Policy.

(iv) The LSO is content no threat to the Licensing Objectives is posed by this application.

(v) During the public consultation phase of this application no objections or representations were received by the Board.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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/658

Date: 22 April 2024

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