

The Highland Licensing Board

Meeting – 14 May 2013

Agenda Item	8.1
Report No	HLB/048/13

Application for the provisional grant of a Premises Licence under the Licensing (Scotland) Act 2005

Report by the Clerk of the Licensing Board

Summary

Ref: HC/INBS/547

This Report relates to an application for the provisional grant of a Premises Licence for:

Premises: Co Operative Food Store, New Site at Monarch's View, Milton of Leys IV2 6HF

Applicant: Co Operative Group Food Ltd, Reg.Office 1 Angel Square, Manchester, per Tho. & J W Barty, 61 High Street, Dunblane, FK15 0EH

1.0 Background

- 1.1 The application is for a new build store, built to Co-operative Group Food Ltd's specification covering 3500 sq. ft. - split 2500 sales and 1000 back of house. There will be 3 other units within the parade with car parking facilities for over 40 cars.
- 1.2 Following receipt of the application, which has been accompanied by statutory fee and required S 50 Planning Certificate:
- 1.3 A notice of the application together with a copy thereof has been sent to and all the people listed under S21(1) of the Act.
- 1.4 The Chief Constable has a period of 21 days to give notice that either the applicant or any connected person has been convicted of any relevant offence or foreign offence. It is also open to the Chief Constable in the event of giving such a conviction to recommend that the application be refused for the purposes of the crime prevention objective.
- 1.5 The applicant and the Board have complied with all the statutory formalities. The Licensing Standards Officer has also commented and any amendments proposed have been incorporated into the operating plan or are recommended as conditions.
- 1.6 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (8 April 2013 to 29 April 2013).

2.0 Legislation

2.1 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 ground of refusal may be –

1. The premises are excluded premises;
2. The grant of the application will be inconsistent with one or more of the licensing objectives, 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. Having regard to the number and capacity of licenced premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result be over-provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted.

3.0 Summary of Application

Off Sales:

Monday to Sunday 10.00 to 22.00

4.0 Policies

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board combined Equality Scheme

Schedule of Local Conditions

5.0 Licensing Standards Officers:

The LSO has provided the following comments:

The application has been submitted with the necessary Section 50 certification in respect of Planning.

The hours applied for are in line with the maximum allowed under both the Highland Licensing Board policy and the Licensing (Scotland) Act 2005.

Perusal of the plans submitted indicates that the public and secure areas for the displays of alcohol are compliant with the Mandatory Conditions. The area assigned to the display of alcohol is average for such a local community shopping facility and is on a par with many like shops currently licensed within Inverness.

The Licence Holders have strong systems in place for staff training, proof of age and due diligence.

5.1 Local Conditions

None recommended

6.0 Mandatory Conditions

6.1 If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

Recommendation

The Board is invited to determine the above application. .

Designation: Clerk of the Highland Licensing Board
Reference: HC/INBS.547
Author: Wendy Grosvenor
Date: 10/04/2013.
Background Papers: The Licensing (Scotland) Act 2005