

The Highland Licensing Board

Meeting – 05 November 2013

Agenda Item	11.1
Report No	HLB/126/13

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Co Operative Group Food Limited, House of Beauly, Beauly

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/120

This Report relates to an application for a Major Variation of Premises Licence.

Premises: House of Beauly, Beauly, IV4 7EH

Applicant: Co Operative Group Food Limited, 1 Angel Square, Manchester M60 0AG per BMK Wilson, 90 St Vincent Street, Glasgow G2 5UB.

1.0 Description of Premises

The premises previously traded On Sales as the House of Beauly. These premises ceased trading and the licence was transferred to Cooperative Group Food Limited on 28 June 2013. The current application is an amendment to trade Off Sales only.

1.1 Previous Core Operating Hours

On Sales:

Mon – Wed 09.00 hrs to 21.00 hrs

Thurs – Sat 09.00 hrs to 23.00 hrs

Sunday 12.30 hrs to 23.00 hrs

Off Sales:

Mon – Sat 10.00 hrs to 21.00 hrs

Sunday 12.30 hrs to 21.00 hrs

2.0 Summary of Variation Application

2.1 Variation Sought

1. Change to Premises Manager.
2. Change to Licence: The premises will operate as a local convenience store selling fresh and frozen food, toiletries, household items, pet food, soft drinks, confectionery, tobacco and cigarettes, stationery and all items normally sold in a convenience store including alcohol for consumption off the premises. Trading hours for the store will be 06.00 hrs to 23.00 hrs.
3. Capacity for off sales display amended to: 37.3375 m²
4. Off Sales Hours: 10.00 hrs to 22.00 hrs Mon-Sun.

3.0 Background

- 3.1 The premises trading as House of Beauty were licensed for on sales and were converted from the 1976 Act.
On 30 August 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the applicant's agent, BMK Wilson, 90 St Vincent Street, Glasgow G2 5UB.
- 3.2 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 (9th September to 30th September 2013). Confirmation of site notice has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.
- 3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 3.5 No objections have been received in respect of the application.

4 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 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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

4.2 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 as modified.

5.0 Licensing Standards Officer's Comments

This application reflects the change of use at these premises which were formerly a luxury goods and delicatessen business with Café trading under the brand name "Made in Scotland" to a supermarket business operated by Co-Operative Food Group Ltd.

The Premises are suitable for the sale of alcohol. The hours requested are in line with the maximum hours allowed under the Licensing (Scotland) Act 2005. The capacity for alcohol at 37.3337 m² is average for a medium sized convenience store.

The lay out plans are compliant with the Mandatory Licensing Conditions relating to Off Sales.

The Applicants have several convenience stores in the Highland Board's area, the Company has a good record in respect of responsible trading and robust policies in terms of Staff Training and Challenge 25.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

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

None recommended

Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/120

Date: 19 September, 2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form.