

The Highland Licensing Board

Meeting – 17 June 2014

Agenda Item	10.3
Report No	HLB/080/14

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

Tesco Extra, 1A Eastfield Way, Inverness Business and Retail Park, Inverness IV2 7GD

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/145

This Report relates to an application for a major variation of Premises Licence.

Premises: Tesco Extra, 1A Eastfield Way, Inverness Business and Retail Park, Inverness IV2 7GD

Applicant: Tesco Stores Ltd, Delamare Road, Cheshunt, Hertfordshire EN8 9SI per Hill Brown Licensing 3 Newton Place, Glasgow, G3 7PU

1 Description of Premises

The premises is a Supermarket, part of a national chain, retailing food, non-food items and other household goods and providing ancillary consumer services.

1.1 Previous Core Operating Hours

Off Sales:

Monday to Sunday 10.00 hrs to 22.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

1. Removal of restaurant (café) facility from the operating plan. Question 5(a) activity to read: restaurant facilities – ‘no’ in columns 2, 3 and 4.
2. Removal of restaurant details from details box below 5(e) – remove: *‘restaurant (café) facilities will be provided both during and outwith core licensed hours’*.
3. Remove restaurant (café) from the footprint of the store on layout plan.
4. Change to layout plan of checkout area.

3 Background

- 3.1 On 27 March 2014 the Licensing Board receipted an application for a major variation of a Premises Licence on behalf of the applicant, Tesco Stores Limited, from Hill Brown Licensing, 3 Newton Place, Glasgow G3. The application was deferred at the applicant's request, from the meeting held on 13 May 2014.
- 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 (7 April to 28 April 2014). Confirmation of display of the 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), and Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland, and the local Community Council, Smithton and Culloden.
- 3.4 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. that the grant of the application will be inconsistent with one or more of the licensing objectives;
2. that 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. that 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 Licensing Standards Officer's Comments

This application reflects a change to the lay out of the Premises' licensed footprint. The Café area is to be separated and leased separately and will no longer form part of the Store's licensed footprint.

Section 5 of the Operating Plan is amended at Sections 5(a) and 5(e) to reflect that restaurant services are no longer provided.

A new set of Layout Plans has accompanied the application reflecting the changes.

All other aspects of the Operating Plan remain unaltered.

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.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/145

Date: 11 April, 2014

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 December 2013 to November 2016