

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	11.4
Report No	HLB/096/14

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

Cooperative Group Food Ltd, Shopping Centre, Keppoch Road, Culloden, Inverness IV2 7LL

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/418

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

Premises: Cooperative Group Food Ltd, Shopping Centre, Keppoch Road, Culloden, Inverness IV2 7LL

Applicant: Cooperative Group Food Ltd, 1 Angel Square, Manchester M60 0AG
Per Tho. & J.W.Barty, 61 High Street, Dunblane FK15 0EH

1 Description of Premises

Off Sales

The premises are a local convenience store within a housing estate, close to other retail units. The premises sell a full range of both fresh and frozen food, household goods, toiletries, pet foods, baby food confectionary, soft drinks, newspapers, magazines and has an off licence. There is a car parking facility for customers.

1.1 Existing Core Operating Hours

Off Sales:

Monday to Sunday 10.00 hrs to 22.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

Amendment to layout plan to increase capacity from 20 square metres to 29.271 square metres.

3 Background

3.1 On 26 June 2014 the Licensing Board receipted an application for a major variation of a Premises Licence on behalf of the applicant, from the applicant's agent, Tho. J & W Barty, Solicitors, Dunblane.

- 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 (30 June to 21 July 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.
- 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 Officers Comments.

The premises in question are a medium sized supermarket situated within a small shopping precinct in Culloden.

Compliance visits carried out in the past by the LSO have shown a strong degree of compliance with the licensing legislation. Challenge 25 is actively practised by all staff and is part of the Licence Holders' training plan.

The variation seeks to increase the size of the current display area by a reasonable amount. The premises do not stock cheap ranges of special strength alcohol.

The LSO is of the opinion that should the Board be minded to grant this variation, there will be no adverse effect on the Licensing Objectives.

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

No Local Conditions are attached to this Licence currently and none are proposed.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/418

Date: 26 June 2014

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 December 2013 to November 2016