

The Highland Licensing Board

Meeting – 12 August 2014

Agenda Item	11.7
Report No	HLB/099/14

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

Lidl UK GmbH, Camanachd Crescent, An Aird, Fort William, PH33 6XZ

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of a Premises Licence for Lidl UK GmbH, Camanachd Crescent, Fort William, PH33 6XZ.

1.0 Description of Premises

The premises operate as a limited line discount Supermarket located on the outskirts of Fort William town centre.

2.0 Summary of Variation Application

2.1 Variation Sought

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

- (1) Increase in capacity of alcohol display area from 33.80sqm to 38.12sqm;
- (2) Inclusion of recorded music activity within operating plan.

3.0 Background

3.1 On 16 June 2014 the Licensing Board received an application for a major variation of a Premises Licence from Lidl UK GmbH.

3.2 The application was publicised during the period 7 July 2014 until 28 July 2014 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's Community Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and the local Community Council.

3.4 No objections or representations have been received in respect of the application.

4.0 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 only power to either grant the application and make a variation of the conditions to which the licence is subject or, refuse the application.

If the Board refuses 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.

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- From the layout plan submitted, the variation complies with the required specifications and mandatory conditions;
- the capacity sought of 38.12sqm (ie the size of the alcohol display area) does not exceed 40sqm in line with the overprovision statement contained within the policy of the Highland Licensing Board;
- the additional activity sought in relation to recorded music is for the purposes of playing background music during store opening hours and would appear to be reasonable and appropriate for the type of operation of the premises.
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Statement 2013-16
- (ii) Highland Licensing Board Equality Strategy

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

It is not considered necessary to attach any additional Local Conditions.

Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/1117

Date: 29 July 2014

Author: AHM:ET/JT

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