

The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	9.1
Report No	HLB/118/14

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

Co-operative Group Food Limited, 20 Stevenson Terrace, Kinlochleven, PH50 4RP

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of a Premises Licence for the Co-operative Group Food Limited, 20 Stevenson Terrace, Kinlochleven, PH50 4RP.

1.0 Description of Premises

The premises operate as a local Convenience Store selling a wide range of products and is located within the village of Kinlochleven.

2.0 Summary of Variation Application

2.1 Variation Sought

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

- (1) Change to shop layout including relocation of alcohol display area resulting in increase to capacity from 20.307sqm to 23.708sqm;
- (2) Inclusion of music activity within operating plan.

3.0 Background

3.1 On 9 July 2014 the Licensing Board received an application for a major variation of a Premises Licence from Co-operative Group Food Limited.

3.2 The application was publicised during the period 17 July 2014 until 7 August 2014 and confirmation that the site notice was displayed has been received.

3.3 The following timeous notices of objection to the application have been received, copies of which are appended:-

- (i) notice of objection to the application from Catriona Spence dated 14 July 2014;

- (ii) notice of objection to the application from Kinlochleven Community Council dated 1 August 2014.

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

No objections or representations have been received from these consultees.

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

Kinlochleven Community Council have objected to the application, as referred to at para. 3.3 above.

3.6 The applicant and the objectors have been invited to attend the Hearing. Both have been advised of the procedure which will be followed at the meeting.

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, 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 only has 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 23.708sqm (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;
- 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.

If the Board are minded to refuse 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.

Designation: Clerk to the Licensing Board

Reference: HC/RSL/0202

Date: 22 September 2014

Author: AHM:ET/JT

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

To

Highland Licensing Board

Lochaber House

High Street

Fort William

From

C B Spence

RECEIVED
10 JUL 2014
HIGHLAND LICENSING BOARD
FORT WILLIAM

14/7/2014

Neighbour Notification – Co-op Store 20 Stevenson Terrace Kinlochleven

For your records the following **is my objection** to the increase in the alcohol display within the above name premises.

My objection is in accordance with the Boards five Licensing Objectives.

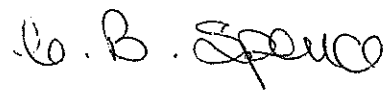
As a near neighbour I witness the inconsistency of applying the laws governing the sale of alcohol Further to this is the present situation of the number of licence premises within the village / more than enough outlets. As a community the situation of alcohol problems would be increased and the children would be placed at harm.

Can I also remind the Board , Kinlochleven has a Bye Law in place at the request of the Community and this proposal appears to ignore the Community wishes?

Also as the only premise in the village selling food a bigger display of alcohol is definitely not a desired option.

I have no doubt that big business will carry the vote however as a neighbour and a member of the Co-op recording my ethical and principal standards to the application.

Yours Sincerely



Catriona Spence

RECEIVED
- 7 AUG 2014
COMMUNITY

August 1st 2014

Dear Mr MacKenzie,

Re: Co-op Group Food Ltd, 20 Stevenson Terrace Kinlochleven HC/RSL/202:AHM/JT

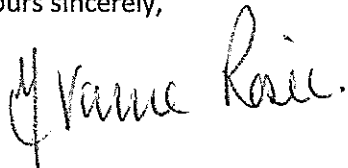
I write on behalf of Kinlochleven Community Council to object about the application by the Co-Op Group to increase the alcohol display at the above address.

Our village has undergone a great deal of change over the last decade or so and unfortunately not always for the better, hence the ignominious title of being a deprived area. Some of these issues are exacerbated by the over consumption of alcohol and the problems created thereof. We already believe we are oversubscribed with establishments offering on-sales as well as off-sales to visitors and residents alike. We would prefer the expansion to offer a range of groceries which would benefit everybody, the selection of alcoholic beverages for a small Co-op is quite extensive.

Our opposition to this expansion lies with the belief the Co-op is not adhering to the licensing objective of protecting and improving public health. As outlined in the above paragraph, we believe the space should be better utilised and think of the supply of everyday necessities for the population both residents and the ever increasing amount of visitors we receive every year. The distance to Fort William is prohibitive for those on fixed or low incomes especially if travelling by bus for the weekly shop. The aim is to promote a healthier lifestyle and to promote Kinlochleven in a positive way, as an outdoors village with opportunities.

We would very much appreciate if the Licensing Board would consider our objections and to see that Kinlochleven would not benefit from this expansion, the only winner would be the Co-op. Thank you for giving us the opportunity to voice our opinions on this matter.

Yours sincerely,



Kinlochleven Community Council