

The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	9.2
Report No	HLB/119/14

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Iceland Foods Ltd, Unit 3, Rose Street, Inverness IV1 1NQ

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/509

This report relates to an application for a major variation of premises licence.

Premises: Iceland Foods Ltd, Unit 3 Rose Street, Inverness IV1 1NQ

Applicant: Iceland Foods Ltd, Second Avenue, Deeside Industrial Park, Deeside, Flintshire, CH5 2NW

1 Description of Premises

Off sales supermarket retailer/grocers operating as part of Iceland Foods chain. Alcohol is sold only as ancillary to fresh and frozen food/groceries.

1.1 Current Core Operating Hours

Off Sales:

Monday to Wednesday: 10.00 hrs. to 18.00 hrs.

Thursday and Friday: 10.00 hrs. to 20.00 hrs.

Saturday and Sunday: 10.00 hrs. to 18.00 hrs.

2 Summary of Variation Application

2.1 Variation Sought

Variation to off sales hours:

Mondays, Tuesdays and Wednesdays, 10.00 hrs. to 19.00 hrs.

3 Background

3.1 On 6 June 2014 the Licensing Board receipted an application for a major variation of a premises licence from the applicant, Iceland Foods Limited.

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 period (28 July to 18 August 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.

The local Community Council for Inverness Central is not currently formed.

- 3.4 Notice of the application has been sent to 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, 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 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 Licensing Standards Officer's Comments

The premises concerned are a medium sized supermarket within the city centre of Inverness.

An application has been lodged to extend the core licensing hours by an additional hour on Monday, Tuesday and Wednesday evenings until 19.00hrs which is within the core hours for off sales premises allowed by the Licensing (Scotland) Act 2005.

Compliance visits carried out by the LSO have revealed sound company procedures for ensuring licensing compliance. Police test purchase visits have all been passed.

It is the LSO's opinion that there would be no threat to the Licensing Objectives should the Board be minded to grant this application.

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

There are no existing Local Conditions and none is recommended.

8 Recommendation

The Board is invited to determine the above 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.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/509

Date: 17 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