

The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	9.3
Report No	HLB/120/14

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

Co Operative Group Food Ltd, 45 High Street, Nairn IV12 4AU

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/312

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

Premises: Co Operative Group Food Ltd, 45 High Street, Nairn IV12 4AU

Applicant: Co Operative Group Food Ltd, 1 Angel Square, Manchester M60 0AG
per BMK Wilson, Solicitors, 90 St Vincent Street, Glasgow

1 Description of Premises

The premises operate as a local convenient store and are situated on one level within a range of retail shops with on-street car parking available.

1.1 Current 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 Operation Plan: increase in capacity to 28.05 square metres.

Amendment to description of 'any activities' in 5(f)

Amendment to Layout Plan.

3 Background

3.1 On 31 July 2014 the Licensing Board received an application for a major variation of a premises licence on behalf of the applicant, from the applicant's agent, BMK Wilson, 90 St Vincent Street, Glasgow.

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 (11 August to 1 September 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.

Notification has also been sent to Nairn River Community Council.

- 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 in question are a well-established, medium sized supermarket trading within the town centre of Nairn. The premises have a satisfactory trading history and compliance checks carried out by the LSO have revealed a satisfactory level of compliance with the Licensing legislation.

Application has been made by the premises licence holders to move the alcohol display to a location where better supervision can be given from the till points and this has also entailed a slight increase in capacity from 24.71 square metres to 28.05 square metres, well under the capacity that the Board has indicated as a consideration for over provision.

Comprehensive lay out plans showing the variation have been submitted.

Also included within the variation is text within Section 5(f) of the operating plan giving information on the range of goods and services operated by the shop.

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/312

Author: Wendy Grosvenor

Date: 5th August 2014

Background Papers: The Licensing (Scotland) Act 2005/application form.

Licensing Board Policy Statement from 1 December 2013 to November 2016