

The Highland Licensing Board

Meeting – 7 October 2014

Agenda Item	9.4
Report No	HLB/121/14

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

24 High Street, Kingussie PH21 1HR

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/22

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

Premises: 24 High Street, Kingussie PH21 1HR

Applicant: Co Operative Food Group Ltd, 1 Angel Square, Manchester, M60- 0AG
per Hill Brown, Solicitors, 3 Newton Place, Glasgow G3 7PU

1 Description of Premises

The premises are a grocers/off sales shop in Kingussie High Street.

1.1 Current Core Operating Hours

Off Sales:

Monday to Saturday 10.00 hrs. to 20.00 hrs.

Sunday 10.00 hrs. to 18.00 hrs

2 Summary of Variation Application

2.1 Variation Sought

1. Question 3 is amended to reflect standard off sales licensed hours of 10.00 hrs to 22.00 hrs Monday to Sunday.

2. Question 5 is amended to state 'YES' to recorded music in columns 1, 2 and 3 to within and outwith core licensed hours.

3. The free text box below Question 5 is amended to remove the work 'NO' and add the following: 'Recorded background music may be played within and outwith core hours'.

4. The following statement is added to Question 5(f) 'The sale of food, non-food and other household goods and the provision of ancillary services within and outwith core hours, subject to customer demand'

5. Question 7 is amended to reflect the new off-sales capacity of 27.86 sq. metres.

6. Question 8 is amended to remove the current premises manager. A new premises manager will be appointed prior to the store opening.

3 Background

- 3.1 On 27 August 2014 the Licensing Board received an application for a major variation of a premises licence from the applicant's agent, Hill Brown Licensing, 3 Newton Place Glasgow G3 7PU
- 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 (1 September to 22 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 been sent to the Kingussie 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 application for a major variation follows the purchase of this traditional family owned mid-sized general store by the Co-Operative Food Group which will result in both a modernisation of the physical property and a variation to the current operating plan within premises licence.

Application is made to sell off sales Monday to Sunday 10.00hrs to 22.00hrs. This is within Board policy and the provisions of the Licensing (Scotland) Act 2005.

Amendments to Section 5 of the operating plan are proposed in order to accurately reflect the range of activities carried on within the store. Recorded music will be supplied throughout trading hours. Section 5(f) now describes the overall business of the store in addition to the alcohol provision.

The alcohol capacity has been amended to 27.86 square metres. Layout plans compliant with the mandatory licensing conditions have been supplied to reflect the new layout.

The Co-Operative Group operate a significant number of convenience stores in Highland they have good training systems for staff in terms of alcohol legislation and are diligent in terms of all licensing requirements. The display of alcohol is of an average size compared with all similar stores.

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

None recommended.

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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/22

Date: 10th September 2014

Author: Wendy Grosvenor

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

Licensing Board Policy Statement from 1 December 2013 to November 2016