

The Highland Licensing Board

Meeting – 4 October 2016

Agenda Item	10.2
Report No	HLB/090/16

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

Iceland, Unit 3b, Rose Street, Inverness, IV1 1NQ

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Iceland Foods Limited, Second Avenue, Deeside Industrial Park, Deeside, Flintshire, CH5 2NW.

1.0 Description of premises

1.1 The premises is operated as a supermarket retailer/grocers. Alcohol is sold as ancillary to fresh and frozen food and for off premises only consumption.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Wednesday: 1000 hours to 1900 hours

Thursday to Friday: 1000 hours to 2000 hours

Saturday to Sunday: 1000 hours to 1800 hours

3.0 Summary of variation application

3.1 Variation Sought

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

(1) To increase the terminal hour on Saturday and Sunday to 2000 hours.

4.0 Background

4.1 On 8 August 2016 the Licensing Board received an application for a major variation of a premises licence from Iceland Foods Limited, Second Avenue, Deeside Industrial Park, Deeside, Flintshire, CH5 2NW per Robert Hayes.

- 4.2 The application was publicised during the period 15 August until 5 September 2016 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

5.0 Legislation

- 5.1 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 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 overprovision of licensed premises or licensed premises of that description in the locality.
- 5.2 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

(i) Iceland Foods Ltd is a medium sized supermarket within a retail unit at 3B Rose Street, Inverness.

(ii) The premises sell a small range of alcohol products to compliment a largely food based operation. The LSO has conducted compliance checks and found the premises and staff to be trained and well versed in the requirements of the Licensing (Scotland) Act 2005. The operating history of the premises in terms of alcohol sales is trouble free.

(iii) Application has been made to vary the core hours of the premises to terminate at 2000 hours on Saturdays and Sundays. Such a change is within both the policy hours of the Highland Licensing Board and The Licensing (Scotland) Act 2005. It is the opinion of the LSO that with the already good track record of responsible retailing then, should the Board be minded to grant this application, no threat to the licensing objectives would be occasioned.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

There are no existing local conditions and it is not considered necessary to attach any.

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

If the Board is 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.

Reference: HC/INBS/509

Date: 13 September 2016

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