

The Highland Licensing Board

Meeting – 6 December 2016

Agenda Item	9.1
Report No	HLB/114/16

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

The Co-operative Food, School Road, Conon Bridge

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of a provisional premises licence by Co-operative Group Food Limited

1.0 Description of premises

1.1 A provisional premises licence was granted on 31 March 2015 for a small supermarket premises. The construction of the new premises is almost complete.

2.0 Current operating hours

2.1 The provisional premises licence identifies the following operating hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

(1) Increase alcohol display capacity from 23m² to 32.714m²

4.0 Background

4.1 On 13 October 2016 the Licensing Board received an application for a major variation of a provisional premises licence from Co-operative Group Food Limited.

4.2 The application was publicised during the period 28 October until 18 November 2016 and confirmation that the site notice was displayed is awaited.

- 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://highland.gov.uk/hlb_hearings

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:-
- 6.2 The applicant has been granted a provisional licence for the small supermarket premises now under construction at Conon Bridge. Grant of a provisional licence does not permit the sale of alcohol until a confirmation of premises licence is submitted.
- 6.3 To accommodate changes to the store layout, prior to launch, the applicant now seeks to increase capacity for off-sales from 23m² to 32.714m², an increase of 9.714 m².
- 6.4 Board policy on overprovision contains a presumption against the approval of an off-sales capacity in excess of 40m².
- 6.5 The proposed increase in capacity does not conflict with the Board's policy and I have no cause to object to the grant of the variation.

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

None required

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/CSR/1725

Date: 21 November 2016

Author: G Sutherland

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