

The Highland Licensing Board

Meeting – 9 June 2017

| | |
|-------------|------------|
| Agenda Item | 11.1 |
| Report No | HLB/058/17 |

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

Aldi, Unit A – Fort William Retail Park, North Road, Fort William, PH33 6PP

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 Aldi Stores Limited, Holly Lane, Atherstone, Warwickshire, CV9 2SQ per TLT LLP, Solicitors, 140 West George Street, Glasgow, G2 2HG.

1.0 Description of premises

1.1 The premises will be situated within a new retail development, north east of Fort William Town Centre, adjacent to North Road (A82 Trunk Road).

The premises will comprise a standalone, single storey purpose built supermarket with associated on-site car parking facilities.

2.0 Summary of variation application

2.1 Variation sought

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

(1) increase alcohol capacity from 31.59 m² to 31.71m²

3.0 Background

3.1 On 4 May 2017 the Licensing Board received an application for a major variation of a premises licence from Aldi Stores Limited.

3.2 The application was publicised during the period 10 May 2017 until 31 May 2017 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire & Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.

3.4 Notification of the application was also sent to NHS Highland and the local Community Council.

3.5 Further to this publication and consultation process, no timeous objections or representations have been received.

3.6 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

4.0 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. 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.

4.2 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) Aldi Fort William are currently the holders of a provisional premises licence for a store premises under construction, this was approved by the Highland Licensing Board on 11 August 2015.

- (ii) The licence was the subject of a major variation in January 2017 for a slight increase in capacity following internal alterations. This was granted by the Highland Licensing Board.
- (iii) A further major variation application has been submitted again caused through minor internal reconfiguration which has necessitated a very small amendment to capacity at section 7 of the operating plan. The capacity is still well under the threshold set by the Board for the purpose of considering over provision.
- (iv) Amended layout plans have been submitted.
- (v) The LSO is of the opinion the licensing objectives continue to be met by the Operating Plan.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

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

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 it is not considered necessary to attach any.

7.3 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/RSL/1746

Date: 1 June 2017

Author: SB:IC/JT

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