

The Highland Licensing Board

Meeting – 2 August 2017

Agenda Item	9.1
Report No	HLB/090/17

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

Aldi Stores Limited, Grampian Road, Aviemore, PH22 1RH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of provisional premises licence by Aldi Store Limited, Holly Lane, Atherstone, Warwickshire, CV9 2SQ.

1.0 Description of premises

1.1 Aldi Store Limited is situated in the centre of Aviemore and consists of a purpose-built supermarket with car parking.

3.0 Summary of variation application

3.1 Variation sought

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

(1) Increase off-sales capacity from 26.52935 sq m to 26.786118 sq m.

4.0 Background

4.1 On 16 May 2017 the Licensing Board received an application for a major variation of a provisional premises licence from Aldi Store.

4.2 The application was publicised during the period 29 May until 19 June and confirmation that the site notice was displayed has been received.

4.3 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.

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. that 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 the same or similar description as the subject premises (taking account of the variation) 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:-

(1) The applicant has been granted a provisional licence for a supermarket premises now under construction in Aviemore. Grant of a provisional licence does not permit the sale of alcohol until a confirmation of premises licence is submitted.

(2) Following reconfiguration of the proposed layout including relocation of alcohol display area and reconfiguration of shelving, the applicant now seeks to increase capacity for off-sales from 26.52935 m². to 26.786118 m² increase of 0.256768 m².

(3) Board policy on overprovision contains a presumption against the approval of an off-sales capacity in excess of 40m².

(4) 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

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/607

Date: 11 July 2017

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