

The Highland Licensing Board

Meeting – 19 February 2019

Agenda Item	8.2
Report No	HLB/017/19

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

Crown Stores, 13 Kingsmills Road, Inverness, IV2 3JT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Calum Duncan, 28 Riverview, Portland Place, Inverness, IV1 1NE.

1.0 Description of premises

1.1 Crown stores is a ground floor mid terraced convenience store located in a commercial/residential area about a 10 minute walk from the city centre.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Increase in capacity to 10.6 M2 (previously 7.53 M2).

3.0 Background

3.1 On 13 December 2018 the Licensing Board received an application for a major variation of a premises licence from Calum Duncan.

3.2 The application was publicised during the period 7 January until 28 January 2019 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. 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, in the locality.

- 4.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

- 4.3 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.

- 4.4 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) Crown Stores is a small local convenience store situated within a small commercial area of the Crown district of Inverness. The premises have held a premises licence to sell alcohol by way of off sales since March 2010. The premises have a trouble free operating history, and LSO compliance visits have shown good levels of diligence.

(ii) Application has been made to increase the capacity of the alcohol display to a total of 10.6 square metres, which would entail an extension to the public display area; this area is covered by CCTV.

(iii) The variation still produces a total alcohol capacity well within the HLB threshold of 40 square metres, for considering the question of overprovision. Appropriate layout plans have accompanied the application.

(iv) The premises have been the subject of police test purchase operations in the past and have passed these without issue.

(v) It is the opinion of the LSO that this variation poses no threat to the licensing objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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/INBS/479
Date: 30 January 2019
Author: Marjory Bain