

The Highland Licensing Board

Meeting – 5 November 2019

Agenda Item	7.2
Report No	HLB/105/19

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

Co-op, 110 High Street, Invergordon

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Co-op, 110 High Street, Invergordon.

1.0 Description of premises

1.1 This application is for a new build convenience store in the town of Invergordon.

2.0 Operating hours

The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 6 September 2019 the Licensing Board received an application for the grant of a provisional premises licence from The Co-operative Group Food Limited.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.3 The application was publicised during the period from 23 September to 18 October 2019 and confirmation that the site notice was displayed is awaited.

3.4 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.

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

- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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.

4.2 Relevant grounds of refusal are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. that having regard to;
 - (i) the nature of the activities 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, or
5. 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.

4.3 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.

4.4 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- a) The applicant is, part of a national chain and is applying for a provisional premises licence to allow for off sales from a new build purpose built convenience store on the High Street, Invergordon, Easter Ross.
- b) This will be a detached, single storey building offering for sale a broad range of products including alcohol for consumption off the premises. This new build store will replace the existing premises which is also currently on the High Street, Invergordon.
- c) The capacity of alcohol displayed for sale is 32.765 m², and as such falls below the overprovision threshold of 40m² in terms of the Highland Licensing Board's overprovision policy. The intended off sales area is shown on layout plans provided.
- d) The licensed hours applied for of 1000hrs to 2200hrs daily are within the legislative requirements for off sales premises and the activities and services to be provided are appropriate for this type of premises.
- e) It is the opinion of the LSO that if the Board are minded to grant this application there would be no adverse impact on licensing objectives.
- f) Following the public consultation phase of the application, no objections or observations have been received by the Highland Licensing Board.

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

None to apply.

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/1925
Date: 22 October 2019
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