

The Highland Licensing Board

Meeting – 4 August 2020

Agenda Item	8.3
Report No	HLB/047/20

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

Morrisons, An Aird, Fort William, PH33 6AN

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Wm Morrison Supermarkets plc, Hilmore House, Gain Lane, Bradford, BD3 7DL.

1.0 Description of premises

1.1 Morrisons supermarket is located close to Fort William town centre and is part of a national chain, retailing food and non-food items and other household goods and provides ancillary consumer services.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) within operating plan, include restaurant facilities to be available both during and outwith core licensed hours.
- (2) amend operating plan at 5(f) to include customer café and that a home shopping service and click and collect service may be operated from this store.

3.0 Background

3.1 On 27 March 2020 the Licensing Board received an application for a major variation of a premises licence from Wm Morrison Supermarkets plc per agents, Gosschalks, Queens Gardens, Hull, HI1 3DZ.

3.2 The application was publicised during the period 25 May 2020 until 15 June 2020 and confirmation that the site notice was displayed has been received.

- 3.3 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.
- 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, however, a response is still awaited from the Council's Planning and Building Services.
- 3.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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:-

- (1) Morrisons is a large supermarket business operating at An Aird, Fort William. The premises sell alcohol solely by way of off-sales.
- (2) An alcohol premises licence has been held since 2009 and the premises have traded without issue.
- (3) An application has been submitted to include within the operating plan a café facility, which although not selling alcohol, provides food both within and outwith licensed hours. Accordingly, this is now requested to be included within Section 5 of the operating plan. A home delivery and click and collect service operated from the store are also requested to be included within the operating plan. The Licensing Standards Officer is satisfied the company have robust age verification procedures in place.
- (4) Having overviewed this application the Licensing Standards Officer is content that it meets the standards of the 5 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/RSL/1052

Date: 25 June 2020

Author: IC/JT

Submissions on behalf of Wm Morrison Supermarkets PLC in support of an application for major variation in respect of Morrisons An Aird, Fort William

This application for major variation seeks two changes to the Operating Plan for this store.

1. To amend the matrix contained within question 5 of the Operating Plan to show that the premises offer restaurant facilities
2. The addition of a reference to the café, home deliveries and click & collect facilities within question 5(f) of the Operating Plan

Amendment of question 5 of the Operating Plan to refer to the provision of restaurant facilities

The store has operated a customer café for many years. In a recent audit it was discovered that the operating plan did not reflect this fact. This part of the application simply seeks to correct that mistake which it is believed has existed since the licence was granted in 2009.

Amendment of Operating Plan to refer to home deliveries and click & collect

Box 5(f) of the operating plan describes the activities operated at the premises not previously specified. This currently states,

The sale of groceries, non-food items and other household goods and the provision of ancillary consumer services within and outwith core hours

This is to be amended to read,

The sale of groceries, non-food items and other household goods, the provision of a customer cafe and ancillary consumer services within and outwith core hours

A home delivery shopping service and click & collect service may be operated from the store

Reason for the application

Morrisons' intention to roll out a home delivery service was accelerated by the Coronavirus crisis. As we locked down, Morrisons, keen to continue to serve its customers and promote social distancing, launched its "Feed the Nation" campaign and I contacted all Boards who usually require deliveries being specified on the operating plan to ask if we could start deliveries as soon as possible.

The company was, and remains, very grateful for the indication given that we could deliver shopping immediately but that an application should be made to specify that deliveries may be operated.

Deliveries

The company will only deliver shopping containing alcohol between 10am and 10pm.

All delivery drivers receive the same training as the checkout staff and will operate the company's Challenge 25 on the doorstep.

In the event that suitable identification cannot be provided, then the age restricted products are removed from the shopping.

Click & Collect Orders

A similar process operates for click and collect orders. The customer orders through his/her account and chooses a collection date and one hour collection slot.

At the collection time, the customer drives into the car park and goes to the click and collect bay. The customer taps a link on his/her mobile telephone provided by Morrisons. This alerts the store that the customer has arrived and is waiting and the shopping is then brought out to the car.

Click and collect time slots for shopping containing alcohol are only available between 10am and 10pm.

The click and collect colleagues receive the same training as the checkout staff and will operate the company's Challenge 25 at the point of collection in the car park.

If suitable identification cannot be provided, then the age restricted products are removed from the shopping.

Final Submission

In the absence of any representations, The Board is invited to grant the application.

In the event that there are any questions that are not addressed by this submission, the Board is requested to continue this matter to the next available hearing.

Richard Taylor

Gosschalks – solicitors for the applicant

8th July 2020