

The Highland Licensing Board

Meeting – 12 January 2021

Agenda Item	8.2
Report No	HLB/006/21

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

Co-operative, King Street, Nairn

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Co-operative Group Food Limited, 1 Angel Square, Manchester, M60 0AG.

1.0 Description of premises

1.1 The Co-operative is a large supermarket situated in Nairn town centre.

2.0 Summary of variation application

2.1 Variation sought

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

1. Recorded background music may be played within and out with core licensed hours.
2. Amend Q5(f) to: 'Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and compliance with the relevant provisions of the Licensing (Scotland) Act 2005.'

3.0 Background

- 3.1 On 3 November 2020 the Licensing Board received an application for a major variation of a premises licence from Co-operative Group Food Limited.
- 3.2 The application was publicised during the period 20 November until 11 December 2020 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 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 attend a virtual hearing and/or 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:-

- (i) The premises in question is a medium sized supermarket situated in the town centre of Nairn.
- (ii) The premises have held an alcohol premises licence since transition to the new Licensing (Scotland) Act 2005 in 2009. Trading history is incident free. Visits have shown strong standards of compliance.
- (iii) An application has been made to update the current operating plan by the inclusion of music as an approved activity at Section 5 of the operating plan.
- (iv) Section 5(f) of the operating plan has requested to be inclusive of the ability to offer home delivery of alcohol as part of the general off sales service operated by the store. The LSO is satisfied that robust protocols of age verification are in place.
- (v) In summation the application is compliant with the 5 licensing objectives.
- (vi) During the statutory consultation period for the application no objections were received by the 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

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/66
Date: 14 December 2020
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