

## The Highland Licensing Board

Meeting – 7 September 2021

Agenda Item	9.1
Report No	HLB/086/21

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

Scotmid/Morning, Noon and Night, Balloch Stores, Culloden Road, Inverness, IV2 7HQ

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Scottish Midland Co-operative Society Limited, 2 Harvest Drive, Newbridge, Edinburgh, EH28 8QJ.

#### 1.0 Description of premises

1.1 The Scotmid store is a detached single storey building within the Balloch area of Inverness and serves the local community.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

1. Add at Section 5(c) - recorded music 'Yes'.
2. Add at out of hours 'recorded music may be played outwith core licensing hours'.
3. Section 5(f) Home delivery of groceries, including alcohol will be available subject to demand.

#### 3.0 Background

3.1 On 25 June 2021 the Licensing Board received an application for a major variation of a premises licence from Scottish Midland Co-operative Society Limited.

3.2 The application was publicised during the period 20 September until 11 October 2021 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, both the applicant and the objector have 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:-

(i) These premises are a small supermarket, which has held an alcohol premises licence since 2009.

(ii) LSO visits have shown good standards of diligence in respect of the licensing legislation.

(iii) Application is made to have recorded music added to the list of approved activities on the operating plan. In addition, home delivery of alcohol is requested to be included within the operating plan. The company has strong systems for staff training and compliance with Challenge 25 as such the LSO is content that there is 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/252  
Date: 12 October 2021  
Author: Marjory Bain