

The Highland Licensing Board

Meeting – 30 November 2021

Agenda Item	10.18
Report No	HLB/117/21

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

Co-op, Fountain Square, Brora, KW9 6NX

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.

1.0 Description of premises

1.1 The premises are a local convenience store with the benefit of an off-sales licence in a rural village town.

2.0 Summary of variation application

2.1 Variation sought

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

Amend wording in other activities on the operating plan to read: The sale of food, non-food items and other household goods, and the provision of ancillary consumer services within and outwith licensed hours. Home deliveries may be provided to customers. Alcohol will only be delivered in terms of and in compliance with the relevant provisions of the Licensing (Scotland) Act 2005.

3.0 Background

3.1 On 7 September 2021 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 Monday 11 October until Monday 1 November 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, 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:-

5.2 The property is a standard convenience store selling fresh and frozen foodstuffs with an off sale alcohol facility, this is a national company with a good compliance record.

5.3 The application is to allow provision of home deliveries of goods including alcohol from the store whilst complying with the relevant provisions of the Licensing Scotland Act 2005. The application also seeks to allow the provision of household goods as well as other ancillary consumer services.

The full details of variation are detailed elsewhere within report.

5.4 The core hours applied for are within the policy of the Highland Licensing Board and are appropriate.

5.5 The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.

5.6 There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

5.7 During the period of public consultation, no objections were received.

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/CSR/0688

Date: 8 November 2021

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005