

The Highland Licensing Board

Meeting – 30 November 2021

Agenda Item	10.19
Report No	HLB/118/21

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

Co-op, Cathedral Square, Dornoch, IV25 3SJ

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 small supermarket sited in the centre of Dornoch at Cathedral Square. The premises are detached and cover the ground floor area. The premises will be run as a supermarket with off sales.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Amend the section below activities on the operating plan to read: Recorded background music may be played within and outwith core hours.

2) 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 17 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, the following timeous notice of objection has been received and is appended:

Objection email dated 26 October 2021 from Richard Easson.

- 3.6 The applicant and the objector have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and 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.

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 include the playing of background music and 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, one timeous objection was received from Mr Richard Easson The Deanery, Castle Street, Dornoch.

5.8 The content of this objection was primarily in relation to concern that there would be increased noise and activities which would cause nuisance to the objector and his family.

5.9 I have contacted Mr Easson and discussed his objection and clarified a number of points within the major variation.

5.10 Mr Easson has now accepted that any concerns he still has are in fact in relation to planning matters and not in fact relevant to Licensing Objectives. He is to pursue any concerns he has with relevant authority.

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/1059

Date: 8 November 2021

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005

Appendix: Objection dated 26 October 2021 from Richard Easson

Richard Easson

From: Richard Easson
Sent: 25 October 2021 12:00
To: 'licensing@highland.gov.uk'
Subject: Co-op Dornoch

The Clerk to the Board

Dear Sir

I received a letter informing me of proposed changes to the Co-op's setup in Dornoch.

The letter mentions practices Outwith core hours, outwith licensed hours and home deliveries being provided.

To me "core hours" are the already agreed legal hours, and any activity outwith at the moment are illegal hours and should require separate planning approval, which has not been applied for.

I would therefore object firstly on this basis.

"Outwith core hours" also suggests working through the night possibly to meet orders for delivery, which is a practice which has not been applied for, especially since we are talking about a shop in a residential area where people live and hope to sleep during the night without a dubious soundtrack throbbing away, or delivery vans loading up and coming and going outwith core hours.

I would therefore Object on this basis also.

Most so-called supermarkets operate out of town or on the outskirts but the shop in Dornoch is in a residential area in a fairly tight traffic situation and more vans will be a public nuisance coupled as I mentioned before, no plans have

been put forward to address any local situation . Any home deliveries these days are organised by large companies from distribution centres in industrial estates for that kind of purpose and not suited to the middle of a small town.

I am sure the Licensing Board are more than competent in assuring the law is followed on home delivery of alcohol and so on but I do not on the strength of the application see any grounds for the co-op in Dornoch having permission to do any of this in the first place and therefore OBJECT to the application .

Sincerely Richard Easson



RECEIVED

26 OCT 2021

The Highland Council
Drummuie

Your ref: 1M/L9

Dear Sir,

please find this copy of an email I sent today
(Monday 25th October) objecting to proposals
by the Co-op in Dornoch to change their practices .

Sincerely