

## The Highland Licensing Board

Meeting – 25 April 2022

Agenda Item	9.3
Report No	HLB/037/22

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

Spar Shop, Station Road, Ardersier, IV2 7SU

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by C J Lang and Son, 78 Longtown Road, Dundee, DD4 8JU.

#### 1.0 Description of premises

1.1 Spar Shop is a convenience store situated in the centre of Ardersier village.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

(1) Amend Q5(c) so that there is permission for music within and out with core licensed hours under the explanation 'recorded music is to be provided at all times the premises are open to the public and whilst staff are working within the premises.'

(2) Amend Q5(f) to include the following activities 'sale of other goods consistent with the business of a convenience store during and out with core hours. Provision of 'Food to Go' including hot and cold foods; national lottery terminal and cards; click and collect and home deliveries.

(3) Amend Q7 to increase the capacity from 20.5M2 to 21.41M2.

(4) Layout plan is amended to reflect increase of alcohol display from 20.5M2 to 21.41M2. Layout plan ref: CO 03 229 3500.

#### 3.0 Background

3.1 On 10 March 2022 the Licensing Board received an application for a major variation of a premises licence from C J Lang and Son.

- 3.2 The application was publicised during the period 23 March until 14 April 2022 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 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

#### **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 Spar Shop Ardersier is a medium sized community shop situated in the village of Ardersier. The premises have an incident free operating history and LSO inspection visits have shown good levels of licensing compliance.

(ii) An application has now been made to vary the premises licence. Firstly to allow the playing of background music for staff and customers as an approved activity within the operating plan and secondly to allow for expansion of the description of the range of services offered by the premises, including click and collect and home delivery service, which may include sales of alcohol.

(iii) The Spar chain have robust training programmes for staff inclusive of age verification/challenge 25, therefore, the LSO is satisfied that these additional services will be compliant with licensing legislation.

(iv) Lastly, the capacity of the store for alcohol display has been slightly increased from 20.5 square metres to 21.41 square metres, which is well under the threshold set by the Board for considering overprovision.

(v) In summation, the LSO considers that these proposed changes will not adversely affect 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/551

Date: 13 April 2022

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