

## The Highland Licensing Board

Meeting – 9 August 2022

Agenda Item	7.1
Report No	HLB/067/22

### Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

Food Warehouse, Unit 1, Telford Retail Park, Telford Street, Inverness

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for the grant of a provisional premises licence in respect of Food Warehouse, Unit 1, Telford Retail Park, Telford Street, Inverness, IV3 5LU.

#### 1.0 Description of premises

1.1 The Food Warehouse is situated close to Muirtown Bridge just off the Telford Street roundabout and consists of a retail supermarket type premises providing customers with a wide range of foodstuffs and other services including the sale of alcoholic products for consumption off the premises.

#### 2.0 Operating hours

2.1 The applicant seeks the following **off-sale** hours:

**Off sales:**

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 25 May 2022 the Licensing Board received an application for the provisional grant of a premises licence from Iceland Foods Limited, Second Avenue, Deeside Industrial Park, Deeside, Flintshire, CH5 2NW.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 27 June until 18 July 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 the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

[https://www.highland.gov.uk/hlb\\_hearings](https://www.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 are: -

1. that the premises are excluded premises;
  2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
  3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
  4. that having regard to;
    - (i) the nature of the activities 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, or
  5. 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 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

## **5.0 Licensing Standards Officer**

5.1 The LSO has provided the following comments:

(i) Iceland are an existing supermarket chain with existing premises at Rose Street, Inverness. They have traded without issue for several years and have been compliant with the requirements of the licensing legislation. The company have well established staff training procedures, including Challenge 25.

(ii) A provisional premises licence application has been submitted in respect of these new premises at Telford Street, Retail Park, Inverness. The necessary section 50 certificate relating to planning has accompanied the application. The agreed display area is well within the current threshold set by HLB for consideration of the issue of overprovision. The premises have been visited by the LSO and they are suitable for the sale of alcohol as described in the operating plan.

(iii) Hours requested are the maximum permitted off sales hours afforded by the Licensing (Scotland) Act 2005.

(iv) The LSO is satisfied that the application meets the standards set by the 5 Licensing Objectives.

(v) During the public consultation stage of the application, no objections or representations have been received by HLB.

## **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**

No local conditions are considered necessary.

### 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/671

Date: 26 July 2022

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