

The Highland Licensing Board

Meeting – 9 August 2022

Agenda Item	7.2
Report No	HLB/068/22

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

Tesco Express, Unit 1, 2 Airds Crossing, Fort William, PH33 6EU

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 Tesco Express, Unit 1, 2 Airds Crossing, Fort William, PH33 6EU.

1.0 Description of premises

1.1 The premises is a ground floor shop situated in Fort William High Street and will operate as a small supermarket with off-sales, part of a national chain retailing food, non-food items and household goods and offering ancillary consumer services. This may include home deliveries.

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 11 May 2022 the Licensing Board received an application for the provisional grant of a premises licence from Tesco Stores Limited.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 22 June until 13 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

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:-

- this application concerns the development of a new supermarket facility within the town centre of Fort William.
- the application is submitted with the necessary Section 50 certificate in respect of planning. The application is compliant with the five licensing objectives in the opinion of the LSO.
- The alcohol display capacity is within the threshold set by the Board for consideration of the issue of over provision.
- Tesco have strong staff training procedures in respect of alcohol licensing and currently have an existing store in the centre of Fort William which has a satisfactory operating history.
- During the public consultation phase of this application no objections or representations were received by the Board.

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/RSL/2017
Date: 18 July 2022
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