

**The Highland Licensing Board**

**Meeting – 1 August 2023**

Agenda Item	<b>8.4</b>
Report No	<b>HLB/085/23</b>

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

**Co-operative, Monarch's View, Milton of Leys, Inverness, IV2 6HF**

**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 Angel Square, Manchester, M60 0AG.

**1.0 Description of premises**

1.1 The Co-operative is a small convenience store serving the local community in Milton of Leys, Inverness.

**2.0 Summary of variation application**

**2.1 Variation sought**

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

(1) On the operating plan, amend the box at Q5(f) 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.

(2) Section 5(g) of the operating plan (recorded music) to be amended to 'Y, Y, Y'

### **3.0 Background**

- 3.1 On 9 May 2023 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 29 May until 19 June 2023 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:

[www.highland.gov.uk/hlb\\_hearings](http://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 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 Co-op, Monarch's View, Inverness, is a medium sized general convenience store. The operating history is complaint free. Compliance visits carried out by the LSO have shown the store to be fully compliant with the requirements of The Licensing (Scotland) Act 2005.

(ii) Application has been made to include the addition of "home delivery" into section 5(f) of the operating plan. The Co-op have robust proof of age procedures incorporated within their staff training and in this respect, the LSO is confident the application meets the standards of the 5 licensing objectives.

(iii) In addition, "music" has been added to the list of approved activities within the operating plan.

(iv) During the public consultation phase of the application no objections or representations have been 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**

There are no existing local conditions and it is not considered necessary to attach any.

### **8.3 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/547

Date: 3 July 2023

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