

## The Highland Licensing Board

Meeting – 25 June 2024

Agenda Item	10.4
Report No	HLB/66/24

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

Morrisons Daily, Culcabock Road, Inverness, IV2 3XQ

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Alliance Property Holdings Ltd, Hilmore House, Gain Lane, Bradford, West Yorkshire, BD3 7DL.

#### 1.0 Description of premises

1.1 Morrisons Daily sells a wide range of convenience and news good. The premises is situated on one floor of a part commercial and residential area some two miles from Inverness City Centre, close to Raigmore Hospital.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

The applicant seeks a variation of the information contained within 5(f) of the following plan. This is to be amended to add the following: 'A home delivery shopping service may be operated from the store. This will be via third party delivery companies and may contain alcohol.'

#### 3.0 Background

3.1 On 26 April 2024 the Licensing Board received an application for a major variation of a premises licence from Alliance Property Holdings Ltd.

3.2 The application was publicised during the period 13 May until 3 June 2024 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 premises are a small convenience store, which has held an alcohol premises licence since 2009 and which in licensing terms has a satisfactory history of operation.
- (ii) Application is made to include alcohol in the scope of “home deliveries” is requested within amended text at section 5(f) of the operating plan. The company have robust protocols for age verification included within their staff training as such, the LSO is content that there is no threat to the licensing objectives.
- (iii) The LSO is of the opinion that the application meets the standards of the 5 licensing objectives.
- (iv) Following the public consultation phase of this 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 2023-28
- (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/85  
Date: 11 June 2024  
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