

The Highland Licensing Board

Meeting – 31 March 2015

Agenda Item	9.3
Report No	HLB/031/15

Application for the provisional grant of a Premises Licence under the Licensing (Scotland) Act 2005

The Co-operative Food, School Road, Conon Bridge, IV7 8AF

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a Premises Licence in respect of the Co-operative Food, School Road, Conon Bridge, IV7 8AF.

1.0 Description of Premises

1.1 The application relates to a proposed new Co-operative Food store to be situated within the village of Conon Bridge. The premises will operate as a small supermarket selling a broad range of products.

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 18 December 2014 the Licensing Board received an application for the provisional grant of a Premises Licence from The Co-operative Group Food Limited.

The provisional application was accompanied by the necessary Section 50 Certification in terms of Planning. Section 50 Certificates in terms of Building Standards and Environmental Health are not required at present.

3.2 The application was publicised during the period 20 January 2015 until 16 February 2015 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:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

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 grant of the application would be inconsistent with one or more of the licensing objectives;
 3. 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
 4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description in the locality.
- 4.2 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) From the layout plans submitted the Premises appear suitable for the sale of alcohol. The layout in terms of alcohol displays complies with the Mandatory Licensing Conditions;
- (ii) The hours requested are in line with the maximum off sales hours available under the Licensing (Scotland) Act 2005 and Highland Licensing Board Policy;
- (iii) The off sales display capacity of 23 m² is well under the Board Policy limit for the consideration of over-provision and is comparable to many other local community convenience stores;
- (iv) The necessary Section 50 Certificate relating to Planning has accompanied this application;
- (v) The Co-op Company have established strong licensing training modules for their staff and regularly test purchase their own stores to test staff diligence;
- (vi) The LSO is of the opinion that should the Board be minded to grant this application there would be no adverse impact to the Licensing Objectives.

6.0 HLB Local Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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/1725

Date: 16 March 2015

Author: AHM:IC/JT

Background Papers: The Licensing (Scotland) Act 2005/Application Form.