

The Highland Licensing Board

Meeting – 31 March 2015

Agenda Item	10.5
Report No	HLB/036/15

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Crown Stores, 13 Kingsmills Road, Inverness IV2 3JT

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of Premises Licence by James Patrick Earley, Castle Heather Crescent, Inverness, IV2 4BF.

1.0 Description of Premises

1.1 Crown Stores Ltd is a ground floor mid-terraced shop selling newspapers, confectionary, groceries, soft drinks, fruit and vegetables, butcher's meat and cold meats, etc.

2.0 Current Operating Hours

Off Sales:

Monday to Sunday 1000 hours to 2200 hours

3.0 Summary of Variation Application

3.1 Variation Sought

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

- (1) Amend operating plan: increase of capacity to 7.53 metres².
Amend layout plan: alter plan of counter and upgrade displays.

4.0 Background

4.1 On 05 January 2015 the Licensing Board received an application for a major variation of a Premises Licence from James Patrick Earley, Castle Heather Crescent, Inverness, IV2 4BF.

4.2 The application was publicised during the period 19/01/2015 until 09/02/2015 and confirmation that the site notice was displayed has been received.

- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council, Crown.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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

5.0 Legislation

- 5.1 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. having regard to the number and capacity of licensed premises of the same or similar description as the subject premises (taking account of the proposed variation) in the locality in which the subject premises are situated, 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 that description in the locality.
- 5.2 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.

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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

Crown Stores is a busy small convenience store serving the Crown community in Inverness.

The premises have a trouble free operating history. The licence holder James Earley has ensured that the staff have been well trained in respect of alcohol legislation.

The premises have undergone a refit in respect of their display shelving which has result in a slight increase in respect of alcohol capacity, to 7.53 metres². (6.53 metres² previously). The necessary amended layout plans have been submitted along with the application. The display areas are compliant with the mandatory Licensing conditions.

The LSO is of the opinion that should the Board be minded to grant this variation application then there will be no adverse effect on the licensing objectives.

7.0 HLB Local Policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory Conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 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/479

Date: 12 February 2015

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