

The Highland Licensing Board

Meeting – 11 August 2015

Agenda Item	8.2
Report No	HLB/082/15

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

Aldi, Unit A – Fort William Retail Park, North Road, Fort William

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 Aldi, Unit A – Fort William Retail Park, North Road, Fort William.

1.0 Description of Premises

1.1 The premises will be situated within a new retail development, north east of Fort William Town Centre, adjacent to North Road (A82 Trunk Road).

The premises will comprise of a standalone, single storey purpose built supermarket with associated on-site car parking facilities.

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 25 May 2015 the Licensing Board received an application for the provisional grant of a premises licence from Aldi Stores Limited.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

Section 50 certification for Building Standards and Food Hygiene is not required for a provisional application. These certificates will require to be submitted when the provisional licence requires to be confirmed.

- 3.2 The application was publicised during the period 7 July to 28 July 2015 and confirmation that the site notice has been 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) The core hours applied for are within the policy of the Highland Licensing Board.
- (ii) The capacity sought of 30.375 m² (i.e. the size of the alcohol display area) does not exceed 40m² in line with the overprovision statement contained within the policy of the Highland Licensing Board.
- (iii) The alcohol display capacity is detailed within the operating plan as follows and an extract of the layout plan is appended to this report as Appendix 1:-

Total Alcohol Display Area:	30.375 m ²
Permanent Alcohol Display (shown in block red on attached plan):	24.75m ²
Additional Seasonal Display (shown in hatched red on attached plan):	5.625m ²

The applicant proposes to use the identified hatched seasonal area annually, between the period 24 November and 9 January.

- (iv) The layout plan submitted details the alcohol display area as described within the operating plan.
- (v) All premises licences are subject to mandatory condition 13(1)(a) as contained in schedule 3 of the Act. This condition requires that alcohol for off-sales may be displayed only in a single area of the premises agreed between the Licensing Board and the holder of the licence. It would be a matter for the Board to agree whether the proposed permanent and seasonal display area complies with this Condition.
- (vi) The premises would appear to be suitable for the sale of alcohol in accordance with the proposed application.

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 In particular, the premises will be subject to the following Mandatory Condition 13, part of which states:

Mandatory Condition 13:

- “13. (1) Alcohol which is for sale only for consumption off the premises may be displayed only in one or both of the following-
- (a) a single area of the premises agreed between the Licensing Board and the holder of the licence; or
 - (b) a single area of the premises which is inaccessible to the public.”

and

- “(2) In an area agreed in terms of sub-paragraph (1)(a), a product other than alcohol may be displayed only if it is-
- (a) a non-alcoholic drink,
 - (b) packaged with, and may be purchased only along with, alcohol,
 - (c) a branded non-alcoholic product, or
 - (d) a newspaper, magazine or other publication.”

In relation to the proposed seasonal alcohol display area to be used during the period 24 November to 9 January as identified on the layout plan, the applicant has clarified this will be used for the purposes of supplementing the alcohol display area over the festive season in order to provide customers with specialist alcohol products which are not normally stocked outwith the festive season.

Outwith the seasonal dates stipulated, namely 10 January to 23 November, the applicant has clarified this display area will be used to accommodate general grocery items not associated with alcohol.

It is a matter for Members' consideration as to whether the proposed seasonal display area, accords with Mandatory Condition 13 (2) as outlined above.

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 and whether the layout plan accords with Mandatory Condition 13 in relation to the seasonal alcohol display area.

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/1746

Date: 29 July 2015

Author: AHM: ET/JT

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

Appendix: Extract of layout plan identifying proposed alcohol display areas

ALDI - FORT WILLIAM



ALCOHOL MERCHANDISE LEGEND:

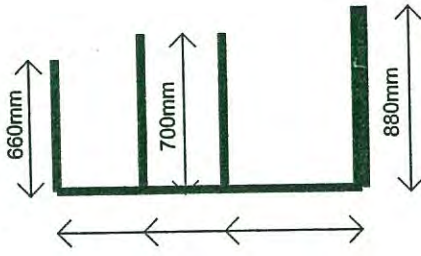


Permanent Alcohol Display
(Red Solid Hatch)



Seasonal Alcohol Display
(Red Cross Hatch)
24th Nov to 9th Jan annually

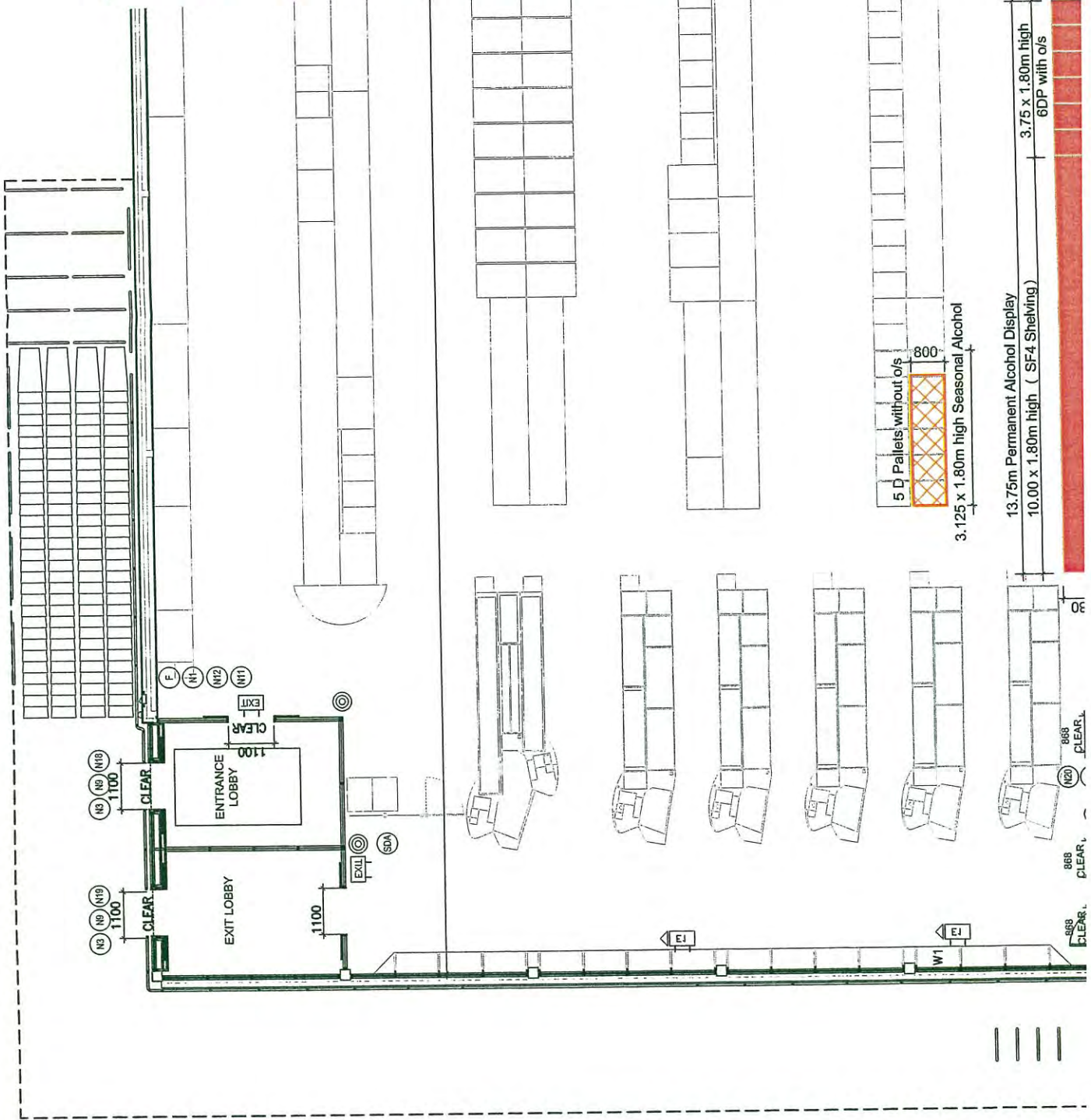
FLEXIBLE SHELVING (SF4)



1500mm
From floor to
top of shelf 4

1075mm
From floor to
top of shelf 3

675mm
From floor shelf 1 to
top of shelf 2



APPENDIX 1

