

The Highland Licensing Board

Meeting – 6 January 2017

Agenda Item	8.1
Report No	HLB/005/17

Application for a major variation of provisional 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 a major variation of a provisional premises licence by Aldi Stores Limited, Holly Lane, Atherstone, Warwickshire, CV9 2SQ per TLT LLP, Solicitors, 140 West George Street, Glasgow, G2 2HG.

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 a standalone, single storey purpose built supermarket with associated on-site car parking facilities.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) increase alcohol display capacity from 24.75 square metres to 31.5945 square metres.
- (2) minor alterations to the layout plan.

3.0 Background

3.1 On 1 October 2016 the Licensing Board received an application for a major variation of a provisional premises licence from Aldi Stores Limited.

3.2 The application was publicised during the period 7 November until 28 November 2016 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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.

The local Community Council was not constituted at the time of application therefore no consultation took place.

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://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. 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.

4.2 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) Aldi Store, Fort William Retail Park, North Road, Fort William, currently holds a provisional premises licence which was granted on 11 August 2015 and is still awaiting confirmation.
- (ii) Application has been made for a major variation which will see amendment to the internal lay out of the premises and an increase in the capacity of the alcohol display from 24.75 metres squared to 31.59 metres squared. Such a change is under the 40 square metre threshold within the Board's current policy which requires the question of over provision to be considered.
- (iii) Amended layout plans have been submitted by the applicant.
- (iv) No objections or representations have been received in respect of this application.
- (v) The LSO is of the opinion that should such a variation be granted no threat would be occasioned 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 2013-18
- (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/RSL/1746

Date: 29 November 2016

Author: SB:IC/JT

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