

The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	9.9
Report No	HLB/029/18

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

McColls, 40 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 Martin McColl Limited, Martin McColl House, Ashwells Road, Brentwood, Essex, CM15 9ST.

1.0 Description of premises

1.1 The premises comprises of a shop area situated on one floor of a part commercial, part residential area. The shop sells a wide range of convenience and news goods.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Under 5(f) other activities: The premises will operate as a convenience store selling a range of goods, grocery, drinks, snacks, etc., during outwith core hours.

(2) To change the internal layout (plan enclosed). As a result of the change, the alcohol display area will move and the alcohol capacity will be reduced to 24.68 m².

(3) Description of the premises to change: 'The premises comprises of a shop area situated on one floor of a part commercial, part residential area. The shop sells a wide range of convenience and news goods.'

3.0 Background

3.1 On 15 January 2018 the Licensing Board received an application for a major variation of a premises licence from Martin McColl Limited.

3.2 The application was publicised during the period 22 January until 12 February 2018 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://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) McColls, Culcabock, Inverness is a medium sized community grocery shop which has held an alcohol premises licence since the commencement of the Licensing (Scotland) Act 2005. The track record of the premises has been good. Several visits have been made by the LSO who has found that the requirements of the licensing legislation are being properly carried out. The premises have also been checked via Police test purchase operations and have passed these without issue.

(ii) Application has been made to include wording at section 5(f) of the operating plan to accurately reflect the range of services offered by the store, which are offered over and above the sale of alcohol. Secondly, the layout of the premises in how goods will be displayed is to change, which will result in the current alcohol display area being moved and reduced in size.

(iii) A full set of revised layout plans have been submitted with the application which are competent and accurately document the changes.

(iv) No objection or representation has been received during the statutory notification period. It is the view of the LSO, that should the Board be minded to grant this variation, there will be no adverse impact in respect of 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/INBS/85
Date: 15 February 2018
Author: Marjory Bain