

**The Highland Licensing Board**

**Meeting – 2 April 2019**

Agenda Item	<b>8.1</b>
Report No	<b>HLB/031/19</b>

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

**Iceland, Unit 3b, Rose Street, Inverness, IV1 1NQ**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Iceland Foods Limited, Second Avenue, Deeside Industrial Park, Deeside, Flintshire, CH5 2NW.

**1.0 Description of premises**

1.1 Iceland is operating as a supermarket retailer/grocers, specialising in frozen food and is situated in the city centre behind Academy street.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**Off sales:**

Monday to Wednesday: 1000 hours to 1900 hours

Thursday to Sunday: 1000 hours to 2000 hours

**3.0 Summary of variation application**

**3.1 Variation sought**

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

- (1) Amend off sales hours to terminate at 22.00 hrs Monday-Sunday.
- (2) Remove reference to seasonal variations.
- (3) Q5 Allow recorded music as an activity during and outwith core hours.

- (4) Q5 Additional information, add the following: sale of groceries, including fresh and frozen foods and other non-food items to be provided both within and outwith core licensing hours but not before 07.00 hrs or after 23.00 hrs. Activities outwith core hours may occur as ancillary.
- (5) Q5(f) Replace with the following: The sale of alcohol by retail for consumption off the premises is ancillary to the sale of groceries and other non-food items. The above shall include deliveries made using our home delivery and e-commerce services, subject to compliance with sections 119 and 120 of the Licensing (Scotland) Act 2005. The premises will also on occasion, be used to launch new products, have product sampling and food tasting events and host "family friendly" membership evenings.

#### **4.0 Background**

- 4.1 On 11 February 2019 the Licensing Board received an application for a major variation of a premises licence from Iceland Foods Limited.
- 4.2 The application was publicised during the period 18 February until 11 March 2019 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.
- 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://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

#### **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. 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.

5.2 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.

5.3 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.

5.4 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

(i) Iceland is a city centre store trading mainly in frozen foods but offering a small range of alcohol by way of off sales to its customers. The trading records of the premises have been trouble free. Compliance visits carried out by the LSO have shown good standards of diligence to be maintained.

(ii) An application has been made by the premises licence holder to extend the trading hours of the premises to 10.00 until 22.00hrs which is the full complement of hours allowed for under the Licensing (Scotland) Act 2005. The LSO is of the opinion that this will not impact adversely on licensing objectives.

(iii) The previous wording relating to seasonal variations has been removed. Section 5 of the operating plan has been amended to allow recorded music as an activity within and outwith core hours. The text at the conclusion of section 5 has been updated to reflect the home delivery of food and alcohol items; as well as allowing tastings of product samples.

(iv) The premises only has an off sales capacity of 6.35 square metres, as such, alcohol is very much a complementary service to food shopping. It is the opinion of the LSO that this application should be granted as there will be no threat to the licensing objectives.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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/509  
Date: 18 March 2019  
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