

The Highland Licensing Board

Meeting – 1 October 2019

Agenda Item	10.2
Report No	HLB/091/19

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

Aldi Stores, Inshes Retail Park, Inverness, IV2 3TW

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Aldi Stores Limited, Holly Lane, Atherstone, Warwickshire, CV9 2SQ.

1.0 Description of premises

1.1 This is a free standing purpose built supermarket with car parking on the outskirts of Inverness City Centre.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Q5(f) - add the following wording - Sale of other goods consistent with the business of a supermarket including outwith core hours.

(2) Q7 - increase alcohol display to 31.51426 M2

(3) Change of layout including relocation of alcohol display area resulting in an increase of the alcohol display to 31.51426 M2 (plans enclosed).

3.0 Background

3.1 On 5 August 2019 the Licensing Board received an application for a major variation of a premises licence from Aldi Stores Ltd.

3.2 The application was publicised during the period 12 August until 2 September 2109 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 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) Aldi Stores, Inshes Retail Park, Inverness, is a medium sized supermarket which has held an alcohol premises licence since 2014. The premises have an incident free operating history and a sound record of licensing compliance.

(ii) An application has been received following a relocation of the alcohol display to increase the capacity to 31.51 square metres. Such an alteration is well within the current threshold of 40 square metres, for which the question of over provision becomes a consideration.

(iii) Amended layout plans have been submitted updating the store layout. Section 5(f) of the operating plan has been updated to reflect the range of services offered by the supermarket.

(iv) The LSO is of the opinion that the application is compliant with the licensing objectives.

(v) Following the public consultation phase of the application no objections or observations were received.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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/546
Date: 13 September 2019
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