

The Highland Licensing Board

Meeting – 8 September 2020

Agenda Item	9.2
Report No	HLB/064/20

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

Morrisons, Dalmore Road, Alness

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Wm Morrison Supermarkets plc in respect of Morrisons, Dalmore Road, Alness.

1.0 Description of premises

1.1 These supermarket premises are situated on the outskirts of Alness retailing groceries, non-food items and other household goods and providing ancillary consumer services. The premises was granted a premises licence, on transition, on 1 September 2009.

2.0 Current operating hours

2.1 The premises currently has the following operating hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Summary of variation application

3.1 Variation sought

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

- 1) Vary other services provided to include a home delivery shopping service and a click and collect service.

4.0 Background

4.1 On 7 April 2020 the Licensing Board received an application for a major variation of a premises licence from Wm Morrisons Supermarkets Ltd.

4.2 The application was publicised during the period 24 July to 14 August 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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.
- 5.2 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.
- 5.3 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.

5.4 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.

5.5 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:-

- a) Morrisons, Dalmore Road, Alness is a standalone convenience store selling fresh and frozen food with off sales facility.
- b) The application is to allow home deliveries and click and collect service of alcohol from the store whilst complying with the relevant provisions of the Licensing (Scotland) Act 2005. They also wish to provide for the sale of non-food items and other household goods and the provision of ancillary consumer services within and out with licensed hours.
- c) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- d) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- e) During the period of consultation, no timeous objections have been received.
- f) I have no objections to this application.

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

None to apply.

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/CSR/0995
Date: 12 August 2020
Author: G Sutherland

Submissions on behalf of Wm Morrison Supermarkets PLC in support of an application for major variation in respect of Morrisons, Dalmore road, Alness

This application for major variation seeks the addition of a reference to home deliveries and click & collect facilities operated by the store within question 5(f) of the Operating Plan

Amendment of Operating Plan to refer to home deliveries and click & collect

Box 5(f) of the operating plan describes the activities operated at the premises not previously specified. This currently states,

The sale of groceries, non-food items and other household goods and the provision of ancillary consumer services within and outwith core hours

This is to be amended to add the sentence below to the existing description.

A home delivery shopping service and click & collect service may be operated from the store

Reason for the application

Morrisons' intention to roll out a home delivery service was accelerated by the Coronavirus crisis. As we locked down, Morrisons, keen to continue to serve its customers and promote social distancing, launched its "Feed the Nation" campaign and I contacted all Boards who usually require deliveries being specified on the operating plan to ask if we could start deliveries as soon as possible.

The company was, and remains, very grateful for the indication given that it could deliver shopping immediately but that an application should be made to specify that deliveries may be operated.

Deliveries

The company will only deliver shopping containing alcohol between 10am and 10pm.

All delivery drivers receive the same training as the checkout staff (the mandatory prescribed 2 hour training) and will operate the company's Challenge 25 on the doorstep.

In the event that suitable identification cannot be provided, then the age restricted products are removed from the shopping.

Click & Collect Orders

A similar process operates for click and collect orders. The customer orders through his/her account and chooses a collection date and one-hour collection slot.

At the collection time, the customer drives into the car park and goes to the click and collect bay. The customer taps a link on his/her mobile telephone provided by Morrisons. This alerts the store that the customer has arrived and is waiting, and the shopping is then brought out to the car.

Click and collect time slots for shopping containing alcohol are only available between 10am and 10pm.

The click and collect colleagues receive the same training as the checkout staff and will operate the company's Challenge 25 at the point of collection in the car park.

If suitable identification cannot be provided, then the age restricted products are removed from the shopping.

Final Submission

In the absence of any representations, the Board is invited to grant the application.

In the event that there are any questions that are not addressed by this submission, the Board is requested to continue this matter to the next available meeting in order that we may attend either in person or remotely to answer those questions.

Richard Taylor

Gosschalks – solicitors for the applicant

25th August 2020