

The Highland Licensing Board

Meeting – 9 August 2022

Agenda Item	8.3
Report No	HLB/072/22

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

Spar, Grange Road, Fort William, PH33 6JF

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by C J Lang & Son Limited, 78 Longtown Road, Dundee, DD4 8JU.

1.0 Description of premises

1.1 The premises is a single storey building attached to a separately owned domestic property. The shop is located within a residential area on the outskirts of the town and trades as a local convenience store with off-sales.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Operating Plan: add Gaming as an activity both within and outwith core licensed hours.
- (2) Amend Q5(c) to say “The premises may open for general trade prior to the commencement of core hours. Recorded music may be played, such as Spar Radio, prior to the commencement of core hours. This is background level only. National Lottery tickets/cards can be purchased prior to core hours”.
- (3) Amend Q5(f) so to include the following activities – “The primary activity undertaken in the premises is the general retail sale of the following: Groceries; confectionery, bread & cakes, crisps/snacks, non-foods, toiletries, frozen & chilled foods, fruit/vegetables/flowers, news & magazines, toys, tobacco & cigarettes, beers/wines/spirits and other alcoholic products, non-alcoholic drinks. Alcohol stacks may be used within the BWS area. Charity collection point and charitable events take place. Food to Go. Click & collect. Home Deliveries. Paypoint payment. National Lottery outlet. External automated cash machine. Sampling & promotional activities.”

- (4) Amend Q7 so to decrease the alcohol display capacity from 17.60m² to 17.30m²
- (5) Layout plan is amended to reflect decrease of alcohol display from 17.60m² to 17.30m²

3.0 Background

- 3.1 On 10 May 2022 the Licensing Board received an application for a major variation of a premises licence from C J Lang and Son Limited.
- 3.2 The application was publicised during the period 13 May 2022 until 3 June 2022 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: https://www.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) The Spar, Grange Road, Fort William, is a medium sized supermarket, offering a range of alcohol solely by way of off sales.
- (ii) The premises have a sound operating history and compliance visits carried out by the LSO have shown good compliance with the requirements made under the Licensing (Scotland) Act 2005.
- (iii) An application has been made to update section 5 of the operating plan to reflect the full range of services offered by the shop. This includes providing sales of alcohol by way of home delivery. The Spar as a Company have robust and thorough licensing training and are very strong in respect of age verification.
- (iv) Lastly, the capacity of the alcohol display area has decreased by 0.30 m² to 17.30 m².
- (v) The LSO is of the opinion that none of the proposed alterations adversely affect the licensing objectives.
- (vi) Following the public consultation phase of this application no objections or representations were received by the Board.

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/RSL/0209
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