

The Highland Licensing Board

Meeting – 9 January 2024

Agenda Item	7.1
Report No	HLB/05/24

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

Morrisons Daily, 12 High Street, Ardersier, IV2 7QB

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Alliance Property Holdings Limited, Hilmore House, Gain Lane, Bradford, BD3 7DL.

1.0 Description of premises

1.1 Morrisons Daily is a small convenience store located in the centre of Ardersier.

2.0 Summary of variation application

2.1 Variation sought

(1) Further to an internal refurbishment to the alcohol section, the layout plan is to change to 1094-SK3-BWSL-002.

(2) This will result in the increase in the BWS section to 18.28 M2.

3.0 Background

3.1 On 20 October 2023 the Licensing Board received an application for a major variation of a premises licence from Alliance Property Holdings Limited.

3.2 The application was publicised during the period 30 October until 20 November 2023 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:

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 premises are a small convenience store located in the centre of the village of Ardersier.

(ii) The premises have traded with an alcohol premises licence since 2009, previously owned by the R S McColl chain, before being purchased by Morrisons this year.

(iii) Application has now been made by the new owners to expand the alcohol display area to 18.28 metres squared. Such expansion, is still well within HLB policy for considering over provision.

(iv) The LSO is of the opinion, that such expansion will not in any way compromise the licensing objectives.

(v) Morrisons are a well established retailer and have strong staff training and age verification procedures.

(vi) Following the public consultation phase of this application no objections or representations have been 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/INBS/49
Date: 6 December 2023
Author: Marjory Bain