

## The Highland Licensing Board

Meeting – 25 June 2024

Agenda Item	10.2
Report No	HLB/64/24

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

Co-op House of Beauly, Station Road, Beauly, IV4 7EH

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Co-operative Group Food Limited, 1 Angel Square, Manchester, M60 0AG.

#### 1.0 Description of premises

1.1 The premises operate as a local convenience store and are situated on the outskirts of Beauly.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

Major Variation to layout plan to account for an internal reconfiguration of the premises, with an increase in capacity to 38.36m<sup>2</sup>, per proposed layout plan P2F9.

#### 3.0 Background

3.1 On 20 March 2024 the Licensing Board received an application for a major variation of a premises licence from Co-operative Group Food Limited.

3.2 The application was publicised during the period 29 April until 20 May 2024 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](http://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) A major variation has been lodged for a change in off sales capacity with an increase of 1.82m<sup>2</sup> from the current 36.58m<sup>2</sup> to 38.36m<sup>2</sup>. Whilst this increase in capacity sits outwith the current Highland Licensing Board policy on overprovision, the requested application for increase in capacity is accounted for within a reconfiguration of the premises.

The Highland Licensing Board Assessment 2023 sets out 'The effect of this overprovision assessment is to create, throughout the whole of the Highland Licensing Board's area, a rebuttable presumption against the grant of an application for a premises licence, a provisional premises licence or a variation of a premises licence (in terms of the ground of refusal set out in section 23(5)(e) or section 30(5)(d) of the Act) where (a) the grant of the application would result in the premises having an off sales capacity in excess of 30 square metres, or (b) in the case of licensed premises with existing off sales capacity in excess of 30 square metres, the grant of any variation sought would result in an increase in that off-sales capacity'.

Each such application will still require to be determined on its merits.....'

- (ii) The layout plan submitted complies with the required specifications.
- (iii) The LSO has inspected the premises and is satisfied that the requested change does not threaten the Licensing Objectives in an adverse manner.
- (iv) 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 2023-28
- (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/120  
Date: 11 June 2024  
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