

## The Highland Licensing Board

Meeting – 26 November 2024

Agenda Item	7.2
Report No	HLB/107/24

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

Co-operative, 1 Granish Way, Dalfaber, Aviemore, PH22 1UQ

### 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 Co-op, Aviemore is a general convenience store which has recently been refurbished and is situated in a purpose built building with car parking on the outskirts of Aviemore.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

- Major variation to the layout plan to account for an internal reconfiguration of the premises in capacity from 10.52m<sup>2</sup> to 28.91m<sup>2</sup> per proposed Layout Plan P2F14.

#### 3.0 Background

3.1 On 27 August 2024 the Licensing Board received an application for a major variation of a premises licence from Co-op Group Food Ltd.

3.2 The application was publicised during the period 9 September until 30 September 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) The premises are a medium sized convenience store which has held an alcohol premises licence since 2011 and, in licensing terms, has an incident free operating history.

(ii) A major variation has been lodged for a change in off sales capacity with an increase from the current documented 10.52m<sup>2</sup> to 28.91m<sup>2</sup>. It was noted by agents acting on behalf of the operators whilst looking at a reconfiguration of the premises that the off sales capacity was recorded on the premises licence and would appear to have been the case since prior to the premises being taken over by the current operators Co-operative Group Food Limited in 2014. The application is now sought to rectify this position. Whilst this increase appears to be substantial the initial licence granted to Scotmid in 2011 had an off sales capacity of 30.3m<sup>2</sup>.

(iii) The application sought is within the current Highland Licensing Board policy and falls below the current threshold of 30m<sup>2</sup> for considering over provision.

(iv) The LSO is of the opinion, that the application meets the standards of the 5 licensing objectives.

(v) 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/505

Date: 13 November 2024

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