

The Highland Licensing Board

Meeting – 26 November 2024

Agenda Item	7.4
Report No	HLB/109/24

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

Co-op, 67/73 High Street, Fortrose

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 in respect of Co-op, 67/73 High Street, Fortrose.

1.0 Description of premises

1.1 The premises is a convenience store in High Street, Fortrose selling fresh and frozen food with off sales facility. The premises licence was granted on conversion 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) amend the layout plan due to internal reconfiguration of the premises resulting in an increase to the alcohol display capacity from 21.50m² to 22.64m².

4.0 Background

4.1 On 2 October 2024 the Licensing Board received an application for a major variation of a premises licence from Co-operative Group Food Limited.

4.2 The application was publicised during the period 18 October to 8 November 2024 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, the Principal Building Standards Surveyor intimated that the proposed works would involve extending the public area to include a storage area and these works would require a building warrant. The applicant's agent has intimated that the applicant will be submitting a building warrant application in the near future. No further timeous objections or representations have been received.
- 4.6 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/licensing_hearings_procedurelicensing_board

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) The property known as The Co-op Store is a local grocery and general goods store which is located in the village of Fortrose on the Black Isle, Ross-shire.
- b) This application is to amend the position and increase the off sales display area of alcohol for off Sales in the shop. The off sales display area size conforms to Highland Licensing Board policy.
- c) The premises have operated for many years without adverse comment.
- d) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- e) The layout plan submitted complies with the required specifications.
- f) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- g) During the period of public consultation, no objections were received.
- h) I have no objection to this application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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 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/0694
Date: 12 November 2024
Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005/Application Form.