

The Highland Licensing Board

Meeting – 1 April 2025

Agenda Item	9.2
Report No	HLB/26/25

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

Tesco Metro, 8-10 Tomnahurich Street, Inverness, IV3 5DD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Tesco Stores Limited, Tesco House, Shire Park, Kestrel Way, Welwyn Garden City, AL7 1GA.

1.0 Description of premises

1.1 Small supermarket close to Inverness City Centre.

2.0 Summary of variation application

2.1 Variation sought

The applicant seeks to vary the premises licence as follows:

(1) Amending the statement in Question 5(f) (any other activities) contained within the Operating Plan, to the following:

"The premises may trade in the sale of products other than alcohol like food, including hot food and drinks, non-food items, and other household goods (groceries) within and outwith core licensed hours and may also provide ancillary consumer services up to 24-hours a day. These services may be provided at the premises or through an online customer delivery/collection service subject to consumer demand and the grant of any necessary statutory consents where required."

(2) Amending Question 7 (Capacity of Premises) to 115.83 M2.

There is a minor variation to the approved internal layout of the premises as per the latest drawing deposited with the Licensing Board.

This results in a slight reduction of Q7 off sales capacity of the premises from 116 M2 to 115.83m2 due to the remerchandising of the alcohol section. There are also sundry changes around the premises in relation to checkouts, and aisles following a refurbishment.

3.0 Background

- 3.1 On 5 February 2025 the Licensing Board received an application for a major variation of a premises licence from Tesco Stores Limited, Tesco House, Shire Park, Kestrel Way, Welwyn Garden City, AL7 1GA.
- 3.2 The application was publicised during the period 10 February until 3 March 2025 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:-

Application is sought for a major variation to amend and update various aspects of the current licence to reflect the proposed trading activities of the premises moving forward and the operators are seeking to apply for the following amendments: -

(i) The premises are a small convenience store in Inverness City Centre, which has held an alcohol premises licence since 2009 and which in licensing terms has a satisfactory history of operation.

(ii) Application is sought to include alcohol in the scope of "home deliveries" is requested within amended text at section 5(f) of the operating plan. As a company, Tesco have robust protocols for age verification included within their staff training and as such the LSO is content that there is no threat to the licensing objectives.

(iii) The LSO is of the opinion that the application meets the standards of the licensing objectives.

(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**

The Board may wish to consider attaching the following special conditions:

- (1) You must keep delivery records (see below) on the premises and in the delivery vehicle.
- (2) No deliveries before 0600 hours or after 2400 hours.
- (3) All payments must be processed during licensed hours (1000 hours to 2200 hours).
- (4) Challenge 25 must be applied when delivering the alcohol.
- (5) The record keeping requirements are that a daybook must be kept at your despatch premises and a delivery book or invoice carried by the driver or courier must specify: (a) the quantity, description and price of alcohol, and (b) the name and address of the person to whom it is being delivered.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions detailed at para. 7.3 above.

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/63
Date: 17 March 2025
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