

## The Highland Licensing Board

Meeting – 01 April 2025

Agenda Item	9.4
Report No	HLB/28/25

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

Tesco Store (Inshes), Milton of Inshes, Perth Road Inverness, IV2 3SY

#### 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 Ltd, Tesco House, Shire Park, Kestrel Way, Welwyn Garden City, Hertfordshire AL7 1GA

#### 1.0 Description of premises

1.1 The Tesco Store in Inshes is a supermarket, part of a national chain, retailing food, non-food items and other household goods, while also provides ancillary consumer services.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

The applicant seeks to vary the premises licence as follows:

- 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.”

#### 3.0 Background

3.1 On 05 February 2025 the Licensing Board received an application for a major variation of a premises licence from Tesco Stores Ltd.

3.2 The application was publicised during the period 10 February until 03 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](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:

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) Application is sought to amend Section 5(f) of the operating plan to be inclusive of the ability to offer home delivery of alcohol and click and collect as part of the general off sales service operated by the store. The LSO is satisfied that robust protocols of age verification are in place.

(ii) Application is sought to update the current operating plan with the inclusion of music as an approved activity at section 5.

(iii) The premises have held an alcohol premises licence since transition to the new Licensing (Scotland) Act 2005, in 2009. Trading history is incident free. Compliance visits have shown strong standards of compliance.

(iv) In the opinion of the LSO the application is compliant with the 5 licensing objectives.

(v) During the statutory consultation period for the application no objections were received by the Licensing 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:

- You must keep delivery records (see below) on the premises and in the delivery vehicle
- No deliveries before 6am or after midnight.
- All payments must be processed during licensed hours (10am to 10pm)
- Challenge 25 must be applied when delivering the alcohol.
- 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/231  
Date: 17 March 2025  
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