

The Highland Licensing Board

Meeting – 1 April 2025

Agenda Item	9.7
Report No	HLB/31/25

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

Aldi, Inshes Retail Park, Inverness, IV2 3TW

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Aldi Stores Ltd, Holly Lane, Atherstone, Warwickshire, CV9 2SQ.

1.0 Description of premises

- 1.1 Free standing purpose built supermarket with car parking within Inshes Business Park.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Add 'recorded music' as permitted activity, during and outwith licensed hours.
- (2) Add wording at Q5 to read: 'background music may be played during and outwith hours'.
- (3) Amend wording at Q5(f) to read: 'sale of other goods consistent with the business of a supermarket, including outwith core hours. Home deliveries, click & collect service, and on-line sales may also take place.'
- (4) Amend off sales capacity to 39.03676 M2.
- (5) Reconfiguration of store and extension of off-sales display area, resulting in an increase in capacity from 31.51426 M2 to 39.03676 M2, as part of store refurbishment.

3.0 Background

- 3.1 On 5 December 2024 the Licensing Board received an application for a major variation of a premises licence from Aldi Stores Ltd.

- 3.2 The application was publicised during the period 5 December 2024 until 6 January 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 A late objection was received on 18 March 2025, after the deadline. As such it cannot be considered automatically and has not been circulated. The Board may, having regard from the late objector and the applicant, consider the late objection if:
- (a) the failure is due to mistake, oversight or other excusable cause, and
 - (b) the Board considers it appropriate in all the circumstances to relieve the failure to meet the deadline.

The late objection will be circulated if the Board agrees to consider it.

The applicant and the late objector have been invited to attend the hearing. Both have been advised of the hearings procedure which will be followed at the meeting and 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.

The premises in question is a medium sized supermarket situated in Inshes Retail Park, Inverness and included within the application is a variation sought to amend off sales capacity to 39.03676m². This increase in capacity comes about as a result of store refurbishment/reconfiguration and includes an extension of the off-sales display area, resulting in an increase in capacity from the current 31.51426 m² to 39.03676 m².

The Highland Licensing Board's overprovision assessment in 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.'

The proposed increase in capacity from current 31.51426 m² to 30.03676 m² conflicts with the Board's policy.

The applicant has not submitted a statement in support of their application.

Whilst during the public consultation phase of this application no timeous

objections or representations have been made to the Board, I have received no robust evidence to rebut the Board's presumption.

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 06.00 hours or after 24.00 hours.
- (3) All payments must be processed during licensed hours (usually 10.00 hours to 22.00 hours).
- (4) Challenge 25 must be applied when delivering the alcohol.

Recommendation

The Board is invited to determine the above application.

If the Board is 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/546
Date: 17 March 2025
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