

The Highland Licensing Board

Meeting – 12 May 2026

Agenda Item	8.1
Report No	HLB/37/26

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

Scotmid, 16A/18B Smithton Park, Smithton, Inverness, IV2 7PB - 74

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Scottish Midland Cooperative Society Ltd, Hillwood House, 2 Harvest Drive, Newbridge, EH28 8QJ.

1.0 Description of premises

1.1 Scotmid is a small convenience store in the centre of Smithton Village approximately three miles east of Inverness, selling groceries and alcohol for off sales.

2. Summary of variation application

2.1 Variation sought

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

- (1) Please amend the boxes adjacent to the 'recorded music' activity section from 'N N N' to 'Y Y Y'.
- (2) On the Operating Plan, amend the box underneath Activities to read: "Recorded background music may be played within and outwith core hours."
- (3) On the Operating Plan, amend the box at Q5(f) to read; "A home delivery service of groceries, which may include alcohol, will be available subject to demand."

3. Background

3.1 On 23 February 2026 the Licensing Board received an application for a major variation of a premises licence from Scottish Midland Cooperative Society Ltd.

- 3.2 The application was publicised during the period 9 March until 30 March 2026 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. 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. Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) The premises are a small convenience store, which has held an alcohol premises licence since 2008 and which in licensing terms has a satisfactory history of operation.

(ii) Application is made at 5(c) of the Operating Plan to include recorded music.

(iii) Application is made to include alcohol in the scope of “home deliveries” within amended text at section 5(f) of the operating plan. Whilst Scotmid have robust protocols for age verification included within their staff training the company intend to use ‘third party’ delivery partners i.e. Uber Eat, Deliveroo, Just Eat, etc., to facilitate their home deliveries. However, the legal responsibility for preventing underage sales and ensuring compliance with licensing objectives and with mandatory conditions of licence rests with the licensed premises from which the alcohol is dispatched, therefore, the licence holder must also ensure their third-party delivery partner(s) operating practices and policies align with the store's home delivery policy and legislative requirements.

(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 Highland Licensing Board.

6. 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. 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 6am or after midnight.
- (3) All payments must be processed during licensed hours (10am to 10pm)
- (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 local/special conditions detailed at paras. 7.2 and 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/074

Date: 27 April 2026

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