

The Highland Licensing Board

Meeting – 31 March 2015

Agenda Item	11.1
Report No	HLB/040/15

Application for review of Licensing Board's decision to vary premises licence in terms of section 40 of the Licensing (Scotland) Act 2005

Bridgend Services Filling Station, Station Road, Beauly IV4 7EH

Report by the Clerk of the Licensing Board

Summary

To explain the process for the Review Hearing and the Board's powers under Section 40.

1.0 Background

- 1.1 Where a Licensing Board has made a variation under subsection (2)(b) of section 39 following a review hearing the Board may-
- (a) on the application of the licence holder, and
 - (b) if satisfied that, by reason of a change of circumstances, the variation is no longer necessary, revoke the variation.
- 1.2 In April, 2010, officers of the then Northern Constabulary had occasion to charge an employee of the Filling Station with selling alcohol to a 16 year old youth. Following this the Police submitted a request to the Clerk of the Inverness, Nairn, Badenoch and Strathspey Licensing Board for a review hearing.
- Following a review hearing on 21 September 2010, the then Inverness, Nairn, Badenoch and Strathspey Licensing Board issued the Licence Holder with a written warning and imposed a condition requiring that a Personal Licence holder would be on duty at the premises on Fridays and Saturdays between 3.30 pm and 10.00 pm. The premises licence was varied by the Board accordingly.

2.0 Application to review

- 2.1 An application was received on 18 February 2015 from the premises licence holder, Mr Douglas Hardie, requesting that the variation placed on the licence by the Board at its meeting on 21 September 2010 be revoked. A copy of the application is attached at Appendix 1 to this report.
- 2.2 Police Scotland have no objection to revocation of the variation placed on the licence by the Board on 21 September 2010. Letter dated 23 February 2015 is attached as Appendix 2.

3.0 Licensing Standards Officers Comments:

- 3.1** Bridgend Filling Station is situated at the southern end of Beaulieu. The premises comprise of a large forecourt area for fuel supplies and a medium sized shop where a range of household goods and grocery products are displayed for sale. The premises have been licensed for off-sales since transition in 2009. The display areas are relatively small, comprising of a public display area on the shop floor and a secure display area behind the cashier counter for higher value stock. The accumulated capacity is 15.11 metres squared.
- 3.2** Since the date of the variation the licence holder has ensured that all staff employed to sell or serve alcohol have been trained to personal licence holder standard to ensure compliance. The premises have been inspected by the LSO on a number of occasions and have been found to be compliant with mandatory and local conditions.
- 3.3** The last time the premises were visited was on Wednesday 4th February, 2015. Again the compliance standard was high. The display areas were well kept and no cheap brands or ranges likely to appeal to teenagers were stocked. At this time the premises manager asked if there was a way in which the condition as previously described could be relaxed as lessons had been well learned and nearly 5 years had elapsed since the incident. The requirement to have a high proportion of personal licence holders was onerous and expensive to the operators. In addition the local demographics of Beaulieu had changed with a large supermarket now neighbouring the filling station whose range of alcohol far outweighs that stocked at the filling station.
- 3.4** Police test purchase operations in 2014 were passed by the premises and on-duty staff.
- 3.5** It is the view of the LSO in all the circumstances that the premises are complying well with the Licensing Objectives and the local condition is no longer required.
- 4.0** The applicant and the Police have been invited to attend to address the Board before it reaches a decision.

5.0 Powers

The Board may revoke the variation if satisfied that, by reason of a change of circumstances, the variation is no longer necessary.

6.0 Recommendation

The Board is invited to consider the request for revocation of the variation of the premises licence.

Reference: HC/INBS/50
Date: 27 February 2015
Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005, and Appendix 1 and 2 to the report.

Appendix 1: Letter dated 21 February 2015 requesting revocation of the variation.
Appendix 2: Letter dated 23 February 2015 from Police Scotland.

BRIDGEND SERVICES

Legal Manager
Highland Council.
12/2/15

12 FEB 2015

Premises Licence: Bridgend Filling Station, Beauly

Dear Sirs,

At a review hearing on the 21st September 2010, the former Inverness, Nairn, Badenoch and Strathspey Licensing Board attached a specific condition to our Premises Licence, requiring there to be a Personal Licence holder present in the building from 15:30 - 22:30 on Fridays and Saturdays. This decision was made in response to an underage sale of alcohol that had been reported by Northern Constabulary.

Section 40 of the Licensing (Scotland) Act 2005 states that where such a variation to a Premises Licence has taken place, the board may, on the application of the Licence Holder, revoke the variation, where the Board is satisfied that by reason of a change in circumstances the variation is no longer necessary.

In April 2013, I was brought in as the new manager of the premises, with a specific brief to improve and maximise the business's compliance in all areas of what are highly regulated industries (this includes the sale of petrol, the use of chemicals, pressure vessels etc).

As part of this process, I became the Premises Manager, and have made the following changes to the way the business operates with alcohol:

- All staff have a personal training path that reflects their responsibilities within the business. This means that in addition to the statutory 3 hours alcohol training at the start of employment, they all undertake Scottish Certificate for Personal Licence Holders at SCQF Level 6. In addition to this, all have applied for and have been issued with Personal Licences.
- Age restriction signs have been increased and replaced.
- The overall area where alcohol is on sale has been reduced.
- The range of alcohol has been altered to allow a greater emphasis on local and specialist drinks, and away from low priced generic brands.
- We have increased the range of drinks that are alternatives to alcohol.

I am aware that we have had at least one test purchase by the police which we successfully passed last year.

In addition to these factors, the opening of a large Co Operative store adjacent to our business has meant that we have had to change our business strategy toward one where we are less reliance on alcohol sales.

I think that there is a case to say that there has been a significant change to the circumstances and the management of this business, and I would like to ask the Board to revoke the variation that was placed upon our Premises Licence in 2010.

Regards


Douglas Hardie, Manager.

BRIDGEND SERVICES, STATION ROAD, BEAULY. IV4 7EH

Shop and Filling Station

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Laundry and Dry Cleaners

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Monday 23rd February 2015

Your Ref: ICWDG

Our Ref:

Mr Alasdair Mackenzie
Clerk to the Licensing Board
Chief Executives Office
The Town House
Inverness
IV3

Divisional Co-ordination Unit
Highland and Islands Division
Police HQ
Old Perth Road
INVERNESS
IV2 3SY

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highlandislandlicensing@scotland.pnn.police.uk

Dear Sir,

**The Highland Licensing Board
The Licensing (Scotland) Act 2005 Section 40
Request for review hearing
Premises: Bridgend Filling Station, Station Road, Beauly, IV4 7EH**

In relation to your letter dated 20th February 2015 regarding the above subject I respond as follows.

The Police Service of Scotland has no objections to revocation of the variation placed on the licence by the Board on 21 September 2010, requiring that "*there be a Personal Licence holder present in the building from 1530 – 2230 on Fridays and Saturdays*" so long as all staff have completed the appropriate training.

For your information and attention.


Mairi Macinnes
Chief Inspector
Highland & Islands Division