

**The Highland Licensing Board**

**Meeting – 1 November 2017**

Agenda Item	8.1
Report No	HLB/125/17

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

**Bridgend Filling Station, Station Road, Beauly, IV4 7RH**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Bridge End Filling Station Ltd, Station Road, Beauly, IV4 7RH.

**1.0 Description of premises**

1.1 Filling Station and shop selling groceries, household goods and also offers a postal service.

**2.0 Summary of variation application**

**2.1 Variation sought**

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

(1) Increase to be made in respect of the capacity of the alcohol display following refurbishment of the premises.

(2) Revised layout of premises due to large scale refurbishment of the shop area of Bridgend Filling Station.

(3) Change of description to read:

‘Bridgend Filling Station has a shop selling groceries, household goods and also offering postal services.

Alcohol is sold within the shop for off sales only.’

**3.0 Background**

3.1 On 15 September 2017 the Licensing Board received an application for a major variation of a premises licence from Bridge End Filling Station Ltd.

3.2 The application was publicised during the period 21 September until 12 October 2017 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:

[http://highland.gov.uk/hlb\\_hearings](http://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 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.

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:-

(i) Application has been made for a major variation to the Bridgend Filling Station, Beauly, to reflect changes that will be incorporated into a major refurbishment of the existing site.

(ii) The premises have held an alcohol premises Licence since 2009 and the track record of licensing compliance under the current ownership has been good.

(iii) The premises themselves comprise a shop adjacent to a filling station forecourt, which incorporate a modest alcohol capacity. Under the proposed variation, the shop will be re-configured on the site and will offer an increased capacity for off sales totalling 18.79 sq. metres, which is well within the current Board threshold for considering the issue of over-provision. In addition, the range of services offered within the shop has been expanded, to offer takeaway foods and a post office; wording at section 5(f) of the operating plan has been updated in order to accurately reflect these changes, as has the description of the premises.

(iv) Revised layout plans of acceptable quality have been provided with this application. The relevant site notice has been displayed for the required 21 day period and no objections or representations have as yet been received by the board.

(v) The LSO is of the opinion that this variation does not impact in any adverse way on the licensing objectives.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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**

No special conditions are considered necessary.

**Recommendation**

The Board is invited to determine the above application.

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/50  
Date: 18 October 2017  
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