

The Highland Licensing Board

Meeting – 22 February 2022

Agenda Item	8.2
Report No	HLB/013/22

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

BP Aviemore Simply Food, 52 Grampian Road, Aviemore, PH22 1PD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by BP Oil UK Limited, Chertsey Road, Sunbury on Thames, Middlesex, TW16 7BP.

1.0 Description of premises

1.1 BP branded petrol station with M&S Simply Food convenience store and Wild Bean Cafe.

2.0 Summary of variation application

2.1 Variation sought

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

1. Increase to alcohol display capacity from 8.76 sqm to 9.18 sqm.
2. Adjust alcohol display area behind service counter.

3.0 Background

3.1 On 9 December 2021 the Licensing Board received an application for a major variation of a premises licence from BP Oil UK Limited per Harper MacLeod LLP, 45 Gordon Street, Glasgow, G1 3PE.

3.2 The application was publicised during the period 6 January until 27 January 2022 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, both the applicant and the objector have been invited to submit a written representation to state their case.

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:-

- The BP service station Aviemore, aside from being a traditional petrol station operates a substantial food and beverage outlet trading under the Marks and Spencer brand label.
- The history of operation is entirely satisfactory and compliance visits have shown up no cause for concern.
- Alcohol is sold entirely as an off sales commodity.
- Application has been made to alter the shape of the secure display behind the service counter, entailing an uplift in the overall alcohol capacity in store to 9.18 metres squared.
- Such a capacity is well within the current HLB policy of 40 metres square as applied to off sales premises.
- It is the view of the LSO that this amendment will cause no adverse issues as would affect the licensing objectives.
- Following the public consultation phase of this application no objections or representations have been 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 2018-23
- (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/353
Date: 28 January 2022
Author: Ian Cox/Julie Traynor