

## Highland Licensing Board

Meeting – 29 March 2022

Agenda Item	8.1
Report No	HLB/020/22

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

BP Longman Filling Station, 22-24 Longman Road, Inverness, IV1 1RY

#### 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 Ltd, Cherisey Road, Sunbury on Thames, Middlesex, TW16 7BP.

#### 1.0 Description of premises

1.1 Filling station incorporating a convenience store situated on Longman Road close to Inverness City Centre.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

(1) Small changes to retailing layout of premises, including alcohol display areas resulting in a small increase to off sale capacity. Revised Q7 capacity from 5.76 to 8.44M2.

(2) Small changes to retailing layout of premises, including alcohol display areas resulting in small increase to off sales capacity.

#### 3.0 Background

3.1 On 8 February 2022 the Licensing Board received an application for a major variation of a premises licence from BP Oil UK Ltd.

3.2 The application was publicised during the period 22 February until 15 March 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 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to attend a meeting on Microsoft Teams. The applicant has been advised of the hearings procedure.

#### **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:-

(i) The premises in question have been licensed since the commencement of the Licensing (Scotland) Act 2005. The premises have been well run and visits by the LSO have shown good standards of diligence to be in place.

(ii) A recent refurbishment of the premises has led to a slight increase in the capacity of the alcohol display to 8.44 metres squared, well within the current threshold the Board has set for considering the issue of overprovision.

(iii) The accessible alcohol display is well positioned to be afforded good supervision from the cashier counter. It is the opinion of the LSO that this variation will have no adverse impact in respect of the licensing objectives.

(iv) Following the public consultation phase of this application no objections or representations have been received by the 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/539  
Date: 16 March 2022  
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