

Highland Licensing Board

Meeting – 29 March 2022

Agenda Item	8.3
Report No	HLB/022/22

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

Esso Kessock Service Station, Longman Road, Inverness, IV1 1SD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Motor Fuel Limited, Gladstone Place, 36-38 Upper Marlborough Road, St Albans, AL1 3UU.

1.0 Description of premises

1.1 Filling Station incorporating a convenience store situated on the left hand side of the Longman Road heading towards the Kessock Bridge.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Saturday. 1000 hours to 2200 hours
Sunday: 1230 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Increase in capacity from 12.68M2 to 13.2M2.
- (2) Refurbishment of retail space in premises resulting in small increase in off sales capacity.
- (3) Increase core opening hour on Sunday from 1230 to 1000 hours

4.0 Background

- 4.1 On 19 January 2022 the Licensing Board received an application for a major variation of a premises licence from Motor Fuel Limited.
- 4.2 The application was publicised during the period 14 February until 7 March 2022 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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.

5.0 Legislation

- 5.1 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.

- 5.2 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.

5.3 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.

5.4 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.

6.0 Licensing Standards Officer

6.1 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) Off sales hours are requested to commence at 10.00 hrs on Sundays; this is allowed for in the Act and will, in the opinion of the LSO, not cause any issues prejudicial to the licensing objectives.

(iii) A recent refurbishment of the premises has led to a slight increase in the capacity of the alcohol display to 13.2 metres squared, well within the current threshold the Board has set for considering the issue of overprovision.

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

(v) Following the public consultation phase of this application no objections or representations have been received by the Board.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

There are no existing local conditions and it is not considered necessary to attach any.

8.3 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/360
Date: 16 March 2022
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