

The Highland Licensing Board

Meeting – 20 June 2022

Agenda Item	12.2
Report No	HLB/056/22

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

Road to the Isles Filling Station, North Road, Fort William, PH33 6TQ

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 The premises comprise of a general convenience store with off sale facility adjacent to petrol/derv filling station forecourt at North Road, Fort William.

The premises are located off the A82 close to its junction with the A830 to the North of Fort William.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Increase alcohol display capacity to 14.828125 sqm (previously 7.95 sqm)
- (2) Change to layout plan as a result of extension and refurbishment of retail shop to create new extended shop retail space and adjacent Subway food shop. Refurbishment of all retail space as part of Londis refit of premises.

3.0 Background

3.1 On 1 April 2022 the Licensing Board received an application for a major variation of a premises licence from Motor Fuel Limited per Agents, Harper MacLeod, 45 Gordon Street, Glasgow, G1 3PE.

3.2 The application was publicised during the period 8 April 2022 until 29 April 2022 and confirmation that the site notice was displayed has been received.

- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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 14.8 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.

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/RSL/1119

Date: 2 May 2022

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