

The Highland Licensing Board

Meeting – 14 February 2023

Agenda Item	9.2
Report No	HLB/015/23

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

Bridge End Filling, Station Road, Beauly, IV4 7EH

Report by the Clerk to the Licensing Board

Summary

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

1.0 Description of premises

1.1 Bridgend Filling Station is situated on the outskirts of Beauly and has a shop selling groceries, household goods and postal service.

2.0 Summary of variation application

2.1 Variation sought

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

1. Extra chilled cabinet to be added to alcohol area entailing an increase of sales capacity at Q7 of the operating plan from 18.79 to 38.79 M2.
2. Amended layout plan showing extra cabinet - 38.79M2.

3.0 Background

3.1 On 21 October 2022 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 26 December 2022 until 16 January 2023 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:

www.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 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) Bridgend Filling Station is a popular petrol station/mini mart situated within the village of Beaully.

(ii) An alcohol premises licence has been in place since 2009. The premises are well run.

(iii) Application has been made to increase the overall alcohol display by the addition of a chilled cabinet to allow customers the choice of purchasing pre-chilled products.

(iv) Even with the additional display, the display area is still under the threshold set by HLB for consideration of overprovision.

(v) The layout plans pertaining to the premises have been amended satisfactorily to include the amendment. The LSO is of the opinion that the licensing objectives remain uncompromised.

(vi) During 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/50
Date: 30 January 2023
Author: Marjory Bain