

**The Highland Licensing Board**

**Meeting – 2 August 2017**

Agenda Item	<b>10.2</b>
Report No	<b>HLB/092/17</b>

**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 Petrol Station with convenience store and café situated in the centre of Aviemore.

**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) Amend premises description from “Esso branded petrol station with Spar branded convenience store” to ‘BP branded petrol station with BP M&S Simply Food convenience store with Wild Bean Café.’

(2) Increase the off sales licensed hours on Sunday to commence at 1000 hrs and terminate at 2200 hrs.

(3) Reduce off sales capacity from 9m2 to 8.76m2.

(4) Amend layout plan following renovation.

(5) Change name of premises to BP Aviemore Simply Food.

#### **4.0 Background**

- 4.1 On 21 June 2017 the Licensing Board received an application for a major variation of a premises licence from BP Oil UK Limited.
- 4.2 The application was publicised during the period 22 June until 13 July 2017 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 the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

[http://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

#### **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 (taking account of the variation), in the locality.

5.2 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.

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) Following the transfer of the premises licence rebranding of the premises is required along with some changes to the layout which will result in a small reduction in alcohol off-sales capacity. The opportunity has also been taken to confirm, in the description of the premises, that the convenience store element operates under the name M&S Simply Food and that a takeaway café, "Wild Bean Café" is a service also provided on the premises.

(ii) The proposed increase to licensed hours on a Sunday should not conflict with Board policy.

(iii) The variations sought are reasonable and appropriate for this type of operation, and should not cause disengagement with the licensing objectives. I have no cause to object to the grant of the variation.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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/353

Date: 14 July 2017

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Background Papers: The Licensing (Scotland) Act 2005/Application Form.