

## The Highland Licensing Board

Meeting – 1 November 2017

Agenda Item	8.3
Report No	HLB/127/17

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

Ord Filling Station, Great North Road, Muir of Ord, IV6 7XR

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by Shyam Karthikeyan.

#### 1.0 Description of premises

1.1 Muir of Ord is a rural village fifteen miles from Inverness and six miles from Dingwall. Ord Filling Station is a detached property very close to the village centre, it comprises a large convenience store with a “Spar” franchise, petrol and diesel pumps and vehicle repair workshop. Residents in the locality are reliant on Ord Filling Station for the supply of petrol and derv as it is the only fuel retailer in the village. The large shop is relied upon by residents in the locality for grocery supplies and ancillary services such as bank autoteller and electricity “pre-pay” tokens.

#### 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) Change opening hours on Sundays to commence at 1000 hours.
- (2) Amend layout plan due to new shop layout resulting in the alcohol display capacity increasing to 19.55 m<sup>2</sup>.

(3) Change the description of the premises to “Ord Filling Station is a detached property close to the village centre and comprises a convenience store (with post office franchise) and fuel pumps.”

#### **4.0 Background**

- 4.1 On 13 September 2017 the Licensing Board received an application for a major variation of a premises licence from Shyam Karthikeyan.
- 4.2 The application was publicised during the period 22 September to 13 October 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, 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:-

6.2 The premises licence was granted in 2009 and transferred to the applicant on 10 August 2017.

6.3 The premises currently operate with licensed hours 1000 to 2200 hrs Monday to Saturday and 1230 to 2200 hrs on a Sunday and have an alcohol capacity of 19.3m<sup>2</sup>

6.4 Arising from the transfer of the premises licence the applicant wishes to change the layout resulting in a small increase in capacity to 19.55m<sup>2</sup> and increase the licensed hours on a Sunday to commence at 1000 hrs in line with Board policy.

6.5 The proposed increase in capacity does not conflict with the Board's policy and I have no cause to object to the grant of the variation.

6.6 The proposed variations should not cause any conflict with the licensing objectives and I have no cause to object to the grant of the application.

## **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/CSR/0741  
Date: 18 October 2017  
Author: L Gunn