

## The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	9.3
Report No	HLB/023/18

### 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 Ord Filling Station is a detached property in the centre of Muir of Ord village. It comprises a large convenience store with Spar franchise, petrol and diesel pumps and vehicle repair workshop.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

(1) amend the layout plan due to refurbishment of the shop resulting in changes to the layout and an increase in alcohol display capacity from 19.55m<sup>2</sup> to 22.15m<sup>2</sup>.

#### 3.0 Background

3.1 On 21 December 2017 the Licensing Board received an application for a major variation of a premises licence from Shyam Karthikeyan.

3.2 The application was publicised during the period 19 January to 9 February 2018 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:

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

Following his acquisition of the business the applicant has carried out a refurbishment of the premises and a change to the layout and applies to increase alcohol display capacity from 19.55m<sup>2</sup> to 22.15m<sup>2</sup>.

The increase of approximately 1.5m<sup>2</sup> to 22.15m<sup>2</sup> does not conflict with the Board's policy on off-sales provision and I have no cause to object to the grant of the application.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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/CSR/0741  
Date: 13 February 2018  
Author: G Sutherland