

## The Highland Licensing Board

Meeting – 26 November 2024

Agenda Item	7.1
Report No	HLB/106/24

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

Great Glen Trading Centre, Main Street, Fort Augustus, PH32 4DD

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

##### Summary

This report relates to an application for a major variation of premises licence by Penny Petroleum (Scotland) Limited, Old Station House, Powburn, Alnwick, Northumberland, NE66 4HU.

#### 1.0 Description of premises

1.1 The shop premises stand alone with a garage forecourt and workshop and sells groceries, clothing and alcohol for off sale consumption. The premises are located in a rural setting within Fort Augustus.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

Q5 - To amend and add wording to read as follows: "The premises may open for general trade prior to the commencement of core hours. Recorded music may be played prior to the commencement of core hours. This is background level. National Lottery tickets/cards can be purchased prior to core hours."

Q5(f) - To amend and add wording to read as follows: "The primary activity undertaken at the aforementioned premises is the retail sales of the following commodities to the general public.

Groceries, confectionery, bread and cakes, crisps and snacks, soft drinks, non foods, toiletries, frozen foods, chilled foods, fruit and veg, newspapers and magazines, tobacco and cigarettes, wines and spirits and other fermented, distilled and spirituous liquors. Fuel and other vehicle accessories/tools. Food to Go/Food on the move. Click & collect. Home Deliveries. External automated cash machine. Charity collection point and charitable events may take place, alongside sampling and promotional activities.

The licence holder may operate a national lottery within the outlet and/or pay

point bill payment service. They may also provide additional services for the customer, including but not limited to- hot drinks dispensers, parcel/package collection points, launderettes, post office services and hot food points."

### **3.0 Background**

- 3.1 On 26 August 2024 the Licensing Board received an application for a major variation of a premises licence from Penny Petroleum (Scotland) Limited.
- 3.2 The application was publicised during the period 2 September until 23 September 2024 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](http://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) Application is sought at Q5 to amend and add to the range of activities permitted within the operating plan and at Q5(f) to amend and add wording to reflect current trading position.

(ii) Application is made to include “home deliveries” within the amended text at section 5(f) of the operating plan and these home deliveries may include alcohol. The premises do not currently offer this service but may wish to do so in the future. Should this be the case the company, who operate home delivery service in other premises across the country, already have robust protocols for age verification included within their staff training and if ‘Great Glen Trading Centre’ were to move to home deliveries, this same robust age verification policy would be implemented.

(iii) The LSO has visited the premises and is of the opinion that none of the proposed changes to the operating plan affect the licensing objectives adversely.

(iv) The previous operating history of these premises has been incident free.

(v) 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 2023-28
- (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.

### **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/163  
Date: 13 November 2024  
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