

The Highland Licensing Board

Meeting – 7 January 2025

Agenda Item	8.1
Report No	HLB/05/25

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

Ben Filling Station, North Road, Fort William, PH33 6TQ

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 (GB) Limited in respect of Ben Filling Station, North Road, Fort William, PH33 6TQ.

1.0 Description of premises

1.1 The premises comprise of a general convenience store with off sale facility adjacent to a petrol/derv filling station forecourt at North Road, Fort William. The petrol/derv filling station forecourt area does not form part of the licensed area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Sunday: 1000 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) 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 only. National Lottery tickets/cards can be purchased prior to core hours.”

- (2) Q5(f) – To amend and add wording to read as follows – “The primary activity undertaken at the aforementioned premises is the retail sale 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 & 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 & promotional activities.

The licence holder may operate a national lottery within the outlet and/or a 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 & hot food points.”

4.0 Background

- 4.1 On 26 August 2024, the Licensing Board received an application for a major variation of a premises licence from Penny Petroleum (GB) Limited.
- 4.2 The application was publicised during the period 22 November 2024 until 13 December 2024 and confirmation that the site notice has been 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:

www.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:-

- 1) The premises are located on the east side of North Road (A82) just north of the town of Fort William.
- 2) The premises consist of a general convenience store with off sale facility, adjacent to a petrol/derv filling station forecourt at North Road, Fort William.
- 3) The application seeks to provide further details at section 5 of the operating plan in relation to activities which are also to be provided outwith core licensed hours.

In addition, at Section 5(f) – other activities; the application seeks to provide an updated and detailed description of the facilities offered by the premises.

- 4) The Board has received a number of similar applications from various Filling Station operators to update their operating plans.
- 5) The application is within the Highland Licensing Board policy.
- 6) The application is consistent with the licensing objectives.
- 7) No objections or representations have been received in respect of the application.
- 8) No additional conditions are deemed necessary regarding this application.
- 9) As Licensing Standards Officer, I have no objections to this application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (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.

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/RSL/1845
Date: 17 December 2024
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