

LSO REPORT

HELENSBURGH SERVICE STATION, MOTOR FUEL LIMITED, OFF SALES, CARDROSS ROAD, HELENSBURGH, G84 7JN

LSO; from description of premises,

The premises are a general convenience store adjacent to petrol/derv filling station forecourt. The site has car parking separate from the fuel pumps. The premises do not form part of the nearby retail supermarket premises. The petrol/derv filling station forecourt area is not part of the area to be licensed.

The premises offer substantial general convenience separate from, and supplementary to, the offer of petrol/derv. The applicant considers that persons within the locality of the premises are reliant on the premises to a significant extent on the premises as a principal source of petrol or derv or groceries and thereby satisfy the criteria of section 123 (5) of the Licensing (Scotland) Act and as such are not excluded premises.

Board Consideration;

123 Excluded premises

(1) No premises licence or occasional licence has effect to authorise the sale of alcohol on excluded premises.

(2) For the purposes of this Act, “excluded premises” means—

(a) Premises on land—

(i) Acquired or appropriated by a special roads authority, and

(ii) for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class 1 (with or without other classes), and

(b) subject to subsection (5), premises used as a garage or which form part of premises which are so used.

(3) For the purposes of subsection (2) (a)—

(a) “Special road” and “special roads authority” have the same meanings as in the Roads (Scotland) Act 1984 (c. 54), and

(b) “class 1” means class 1 in Schedule 3 to that Act, as varied from time to time by an order under section 8 of that Act, but, if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in this section to traffic of class 1 so as to take account of the additional class.

(4) For the purposes of subsection (2) (b), premises are used as a garage if they are used for one or more of the following—

(a) The sale by retail of petrol or derv,

(b) The sale of motor vehicles, or

(c) The maintenance of motor vehicles.

(5) Despite subsection (2)(b), premises used for the sale by retail of petrol or derv or which form part of premises so used are not excluded premises if persons resident in the locality in which the premises are situated are, or are likely to become, reliant to a significant extent on the premises as the principal source of—

(a) Petrol or derv, or

(b) Groceries (where the premises are, or are to be, used also for the sale by retail of groceries).

The applicants' agent will address the Board on this matter

Operating Plan

Question 1 off sales only.

Question 2 N/A

Question 3, 10am till 10pm seven days

Question 5 activities, recorded music

Column 4 outwith licensed hours;

"The premises may play background music is in the retail areas of the store. The premises may operate out with alcohol licensing, up to 24 hour basis."

Question 5 f any other activities; "the premises comprise of general convenience store with off sale facility adjacent to petrol/derv filling station forecourt. The premises offer takeaway "food on the go". Customers may order groceries, food and drinks, including alcoholic drinks for home delivery from the premises."

Question 7

Off sales Display capacity 13.17 square metres

Layout Plan;

The layout plan shows two distinct alcohol display areas, one accessible and one inaccessible. In line with Mandatory conditions and Board Policy.

EHO

The EHO is aware of this application and will become involved with any section 50 certificate when requested, toward confirmation.