

The Highland Licensing Board

Meeting – 6 August 2013

Agenda Item	9.2
Report No	HLB/085/13

Application for the Provisional Grant of a Premises Licence under the Licensing (Scotland) Act 2005

Report by Clerk of the Licensing Board

Summary

Ref: HC/INBS/551

This Report relates to an application for the Provisional Grant of a Premises Licence for:

Premises: Macdonald Spey Valley Golf Club, Dalfaber Village, Dalfaber Drive, Aviemore PH22 1PN

Applicant: Macdonald Resorts Limited per Halliday Campbell WS, 7 Tweeddale Court, 14 High Street, Edinburgh EH1 1TE

1 Background

- 1.1 This is an application for a provisional premises licence. The premises will operate as a Golf Clubhouse with changing facilities, Bar, Restaurant and shop, offering on and off sales.
- 1.2 On 4 July 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from the applicant's agent, Halliday Campbell WS, 7 Tweeddale Court, 14 High Street, Edinburgh EH1 1TE. The application was accompanied by the necessary Section 50 Certification in terms of Planning and the statutory fee.
- 1.3 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (8 July to 29 July 2013). The Clerk will update the Board on the status of the site notice display and representations/objections, if received after the agenda goes to print.
- 1.4 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, and the Council's Planning Office were consulted on the application. Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.
- 1.5 A notice of the application has been sent to and all the people listed under S21(1) of the Act.

2. Legislation

2.1 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 ground of refusal may be –

1. The premises are excluded premises;
2. The grant of the application will be inconsistent with one or more of the licensing objectives, having regard to:
(i) the nature of the activities 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. Having regard to the number and capacity of licenced premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result be over-provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted.

3. Summary of Application

Off Sales:

Monday to Saturday - 10.00 to 22.00

Sunday 12.30 to 22.00

On Sales:

Monday to Wednesday – 11.00 to 24.00

Thursday to Saturday – 11.00 to 01.00

Sunday – 12.30 to 24.00

4. Policies

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board combined Equality Scheme

Schedule of Local Conditions

5 Licensing Standards Officer's Comments:

From the lay out plans submitted, the Premises appear suitable for the sale of alcohol.

The necessary Section 50 Certificate relating to Planning has been submitted. The hours applied for within the application are within the Policy Hours of the Highland Licensing Board.

The LSO has gone through the proposed Operating Plan accompanying the application and it appears to adequately support the Licensing Objectives.

The Spey Valley Golf Course is a well documented sporting facility and hosts a number of fairly high profile golf events during the year, apart from normal golf provision for members and temporary members.

The Applicants already have a large stake holding in the Hotel and Leisure industry in Aviemore and have been found to be sound operators through compliance visits carried out by the LSO.

5.1 Local Conditions

a). Children under the age 16 are excluded from any room where there is a bar counter after 22.00 hrs except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress. (Objective 5, Protection of Children from harm).

b). Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises when not in the bar areas. (Objective 5, Protection of Children from harm).

c). Notwithstanding conditions(a) and (b) children must not sit or remain at the bar counter at any time. (Objective 5, Protection of Children from harm).

6.0 Mandatory Conditions

6.1 If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

7 Recommendation

The Board is invited to determine the above application. .

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS/553

Author: Wendy Grosvenor

Date: 08/07/2013.

Background Papers: The Licensing (Scotland) Act 2005