

The Highland Licensing Board

Meeting – 06 August 2013

Agenda Item	10.2
Report No	HLB/089/13

Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005

Glenmore Shop and Café and Pine Marten Bar, Glenmore, Aviemore PH22 1QU

Report by the Clerk to the Licensing Board

Summary

REF: HC/INBS/321

This Report relates to an application for a major variation of Premises Licence.

Premises: Glenmore Shop and Café and Pine Marten Bar, Glenmore, Aviemore PH22 1QU

Applicant: Glenmore Outdoor Ltd, per William Murray Wilson, 15-17 High Street, Kingussie PH21 1HS

1 Description of Premises

The premises comprise of a shop dealing in general products, sports, camping, groceries and a small off-sales section catering for visitors. Glenmore cafe which is attached to the shop, provides an 'eat-in' and takeaway food and snacks service. Alcohol is provided in this area to persons taking table meals. A public bar area is also on the premises.

2 Summary of Variation Application

2.1 Variation Sought

- To license the forecourt area of the premises as shown on the new layout plan (approx.119 sq.m); and,
- Amend 6(b) & 6(e) 'Children and Young Persons Terms/Parts' on the licence: 'Access to licensed part of the forecourt until 23.00 but require to be accompanied by an adult at all times'.

3 Background

3.1 The premises are licensed for on and off sales and were converted from the 1976 Act.

On 9 May 2013 the Licensing Board received an application for a major variation of a Premises Licence on behalf of the licence holder, from Mr William M Wilson.

- 3.2 The Board has advertised the application on the Council's website for a period of 21 days and the applicant had to display the Notice on site for the same period (20 May to 10 June 2013). Confirmation of display of the site notice has been received.
- 3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.
Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.
- 3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.
- 3.5 No objections have been received in respect of the application.

4 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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
 3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.
- 4.2 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 as modified.

5 Licensing Standards Officer's Comments

The Pine Marten Bar, is part of the Glenmore Shop and Cafeteria. It is a new facility created this year by converting part of the existing shop area to provide a small bar with seating and a toilet area.

The applicant has asked to add the facility of an outside drinking area to Section 5 of the Operating Plan. The Premises own a large area of ground formerly a car park in front of the premises comprising of some 119 square metres. This can adequately accommodate some picnic tables to allow patrons in the summer months to partake of food and drink in this area.

The LSO envisages no conflict with the Licensing Objectives. There is an absence of nearby neighbouring property but nonetheless it is the view of the LSO that the use of same should be curtailed at 23.00hrs, to assist with preserving the tranquillity of a rural location famed for its peace and quiet.

The Applicant has asked for the Children's Policy to be amended to allow Children and Young Person's access to this area provided that they are in the company of a responsible adult. This is seen as reasonable by the LSO as the area is very popular for outdoor family holidays.

The Premises have not been reported to the Police or Licensing Board in any adverse light.

6.0 HLB Local Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

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

In addition to the existing Local conditions b and c the following additional conditions are recommended.

e). Any alcohol for consumption in the outdoor drinking area will be sold only in the licensed premises.

g).After 23.00hrs (or other such time as may be specified by the Licensing

Board) alcoholic and non- alcoholic drinks shall not be consumed in an outdoor drinking area.

7.3 **Specific Condition(s)**
None recommended.

8 Recommendation

The Board is invited to determine the above application.

Designation: Clerk to the Licensing Board

Reference: HC/INBS/321

Date: 30/05/2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form/Schedule of Local Conditions revised January 2011