

The Highland Licensing Board

Meeting – 5 November 2013

Agenda Item	9.1
Report No	HLB/124/13

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

Report by the Clerk of the Licensing Board

Summary

Ref: HC/INBS/556

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

Premises: Aviemore Youth Hostel, 25 Grampian Road, Aviemore PH22 1PR

Applicant: SYHA (Trading) Ltd, per Lindsays, Glasgow

1.0 Background

1.1 This is an application for a premises licence in respect of a youth hostel located in the heart of the Cairngorms near to Aviemore town centre. The premises offer accommodation to travellers and tourists.

The application is for on and off sales. Alcohol for off sales will be resourced from stock and not displayed.

1.2 On 11 September 2013 the Licensing Board received an application for the grant of a Premises Licence from the applicant's agent, Lindsays, 1 Royal Bank Place, Buchanan Street, Glasgow G1 3AA.

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene, 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 (16 September to 7 October 2013). Confirmation of site note has been received.

1.4 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.

A notice of the application has been sent to and all the people listed under S21(1) of the Act

1.5 No objections or representations have been received in respect of the application.

2.0 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 Sunday - 10.00 to 22.00 hrs

On Sales

Monday to Thursday 11.00 to 24.00 hrs

Friday, Saturday, Sunday 11.00 to 01.00 hrs (hours Sunday 11.00 to 01.00 will commence 1 December 2013 in line with new Board policy)

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:

The Premises concerned are a long established Youth Hostel situated at the southern end of Aviemore, Inverness shire. The Premises are suitable for the sale of alcohol.

The Applicants have applied for a Premises Licence in order to offer a small range of alcohol to guests both for on and off sale. There will be no bar counter as such and alcohol will be dispensed from a fridge located at the reception area according to guest demand. Such an arrangement already exists at the SYHA Youth Hostel in Inverness and works well in terms of allowing the maximum supervision.

The Applicants Operating plan indicates core hours that are within the Highland Licensing Board's Policy statement. The opening and terminal hours applied for in respect of Sunday are within the new policy adopted by the Board on 1st October, 2013.

The necessary Section 50 certificates in respect of Planning, Building Standards and Food Hygiene have been submitted.

A differential in time between on and off sales is requested due to the fact that many guests wish to purchase a small amount of alcohol on exiting the Hostel to take with them during the day. This is seen as reasonable by the LSO.

The Premises has an outside drinking area but as the Premises are sufficiently removed from neighbouring property there is no necessity to condition the hours of operation.

Within similar Premises which the SYHA have recently licensed in the Highland Licensing Board's area the operators have ensured good systems of compliance.

Should the Board be minded to grant this application the LSO foresees no conflict with the Licensing Objectives.

5.1 Local Conditions

None recommended.

6.0 Mandatory Conditions

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

Recommendation

The Board is invited to determine the above application, noting that the application for variation is within the policy adopted by the Board on 1 October 2013 as the Board's new policy for 1/12/13 to 30/11/2016.

Designation: Clerk of the Highland Licensing Board

Reference: HC/INBS.556

Author: Wendy Grosvenor

Date: 03/10/2013.

Background Papers: The Licensing (Scotland) Act 2005 . Licensing Board Policy Statement to November 2016.