

## The Highland Licensing Board

Meeting – 31 March 2015

Agenda Item	10.7
Report No	HLB/038/15

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

Terminal Airport, Dalcross, Dalcross Airport, Inverness IV2 7BJ

Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of Premises Licence by Autogrill Catering UK Limited, 88 Kingsway, London WC2B 6AA per Lindsays Edin. Caledonian Exchange, 19a Canning Street, Edinburgh, EH3 8HE

#### 1.0 Description of Premises

1.1 Premises situated in the main terminal building of the airport prior to customers and passengers transferring to Airside. The premises consist of a cafeteria area which is partitioned off from the check in desks and baggage area and a retail concession unit (currently a Segafredo unit but this could be rebranded) with outside area.

#### 2.0 Current Operating Hours

##### On Sales

Monday to Saturday 0800 hours to 2300 hours  
Sunday 1230 hours to 1100 hours

##### Off Sales

Monday to Saturday 1000 hours to 2200 hours  
Sunday 1230 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. Amendment to on sales hours to 1100 hrs on a Sunday
2. Amendment to off sales hours to 1100 hrs on a Sunday.
3. Addition of Outdoor Drinking
4. Amendment of capacity up to 450 persons
5. Amend to off sales on layout plan
6. Variation to Layout Plan

7. Amendment to description on Premises Licence.
8. Substitution of premises manager

#### **4.0 Background**

- 4.1 On 17 February 2015 the Licensing Board received an application for a major variation of a Premises Licence from the applicant's agent, Lorna Murray.
- 4.2 The application was publicised during the period 23 February 2015 until 16 March 2015 and confirmation that the site notice was 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 Ardersier and Petty.
- 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:

[http://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **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. having regard to the number and capacity of 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 overprovision of licensed premises or licensed premises of that description in the locality.

5.2 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.

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:-

Autogrill Catering UK Ltd has run a licensed cafeteria within the main Terminal Building of Dalcross Airport since transition in 2009.

The operating history has been trouble free and visits by the LSO have shown the premises to be operated according to the operating plan and Mandatory licensing conditions.

Application has been made for a variation of the premises licence to include a further retail unit, namely a Segafredo Cafeteria, which would incorporate an internal seating area within the terminal building and also an external outdoor drinking area. These premises will also sell a small range of off sales products.

Also within the application is a change to the commencement of licensing hours on a Sunday which are now desired to commence from 11.00 hrs in accordance with amendments to Highland Licensing Board Policy. The added facility of an outdoor drinking area is requested to be added to the operating plan.

There are several examples of licences administered by the Board with bars in differing areas of a premises being covered under one Licence, most notably the licences held by our two Scottish Premier League Football Clubs. Whilst a separate retail unit, the Segafredo unit is still capable of being supervised on a day to day basis by the premises manager. As the airport is a unique premises with an industrial estate as neighbour, no issue of public nuisance should be posed by the operation of the outside drinking area.

Strict rules relating to passenger intoxication/behaviour operated by the airport and airlines mitigate against excessive drinking. The description within the premises licence has been altered to accurately reflect the proposed changes.

## **7.0 HLB Local Policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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**

Existing local conditions should continue to apply to the licence.

### **8.3 Special Conditions**

No special conditions are considered necessary.

### **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/INBS/ 05

Date: 18 March 2015

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Background Papers: The Licensing (Scotland) Act 2005/Application Form.