

The Highland Licensing Board

Meeting – 3 November 2015

Agenda Item	6.3
Report No	HLB/114/15

Application for a major variation of premises licence under the Licensing (Scotland) Act 2005

Speyside Heather Centre, Dulnain Bridge Inverness shire PH26 3PA

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for a major variation of premises licence by Speyside Heather Centre, per Iain Lambie, Dulnain Bridge, PH26 3PA

1.0 Description of Premises

1.1 The premises are a Visitor Centre/Garden Centre incorporating gift shop, restaurant, garden centre, antiques and gallery. They are currently licensed for off sales.

2.0 Current Operating Hours

2.1 The premises currently enjoy the following operating hours:

Off sales:

Monday to Saturday: 1000 hours to 1800 hours
Sundays: 1230 hours to 1800 hours

3.0 Summary of Variation Application

3.1 Variation Sought

The applicant seeks to vary the premises licence as follows:-

Amend Operating Plan:

1. Provision of on sales Monday to Sunday 1100 hours to 2400 hours.
2. Amend Off Sales Monday to Sunday 1000 hours to 2200 hours.
3. Additional activities: receptions, live performances, outside drinking area.
4. Amend children's policy in line with on sales provision.
5. Amend capacity for restaurant, function/tasting room and outdoor drinking area.

6. Add whisky tastings to S5(e).

Premises Licence:

Amend description: Visitor Centre/garden centre incorporating gift shop with off sales area, a licensed restaurant and a licensed function/tasting room on the first floor.

Layout Plan

Amended to include function/tasting room with increase in capacity to 135 persons (previously 120)

4.0 Background

- 4.1 On 19 August 2015 the Licensing Board received an application for a major variation of a Premises Licence from Speyside Heather Centre, per Iain Lambie, Dulnain Bridge, PH26 3PA.
- 4.2 The application was publicised during the period 31 August 2015 until 21 September 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, Dulnain Bridge.
- 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

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:-

The Speyside Heather Centre has held an alcohol premises licence since transition in 2009. The premises have traded previously solely in an off-sale capacity offering a specialist whisky shop within their large gift shop premises at Dulnain Bridge, Inverness shire. The premises have a trouble-free operating history and compliance checks carried out by the LSO have shown a high standard of compliance.

Section 5 of the operating plan covering activities has been amended to include the additional activities of "receptions", "Live Performances" and "Outside Drinking Area", to allow the premises to expand their business range. The outside drinking is accessed via the restaurant and is an extension of the dining facilities.

Application has been made to provide on-sales within the premises on a basis of Monday to Sunday, 1100 to 2400 hours. Off-sales times are amended to 1000 to 2200 hours daily. Both these sets of hours are within the policy hours of the Highland Licensing Board. The change to on-sales is to allow an expansion of the business to provide tutored whisky tastings and evenings whereby customers can purchase a selection of malt whiskies to try.

Accordingly the restaurant area of the premises has been licensed as has an upstairs function room to accommodate this change in operation. In addition it gives the premises the option of supplying a small range of alcohol to complement their meal provision and the ability to host functions where alcohol is to be provided. Amended lay out plans accurately showing the expansion of the licensed areas have been submitted with the application.

Whisky tastings have been added as an additional activity at section 5(f) to accurately reflect the operation of the Licence.

Children's Policy has been amended to allow access during on sale provision. The Policy in the view of the LSO is compliant with the fifth licensing objective for this type of licensed operation.

Capacity totals for the restaurant and function areas have now been included at Section 7 of the operating plan.

The premises description within the licence has been amended to reflect the variations sought within this application.

The LSO is of the view that should the Board be minded to grant this variation there would be no compromise to any of the licensing objectives.

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

There are no existing local conditions and it is not considered necessary to attach any.

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/53

Date: 22 October 2015

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