

The Highland Licensing Board

Meeting – 29 March 2016

Agenda Item	7.2
Report No	HLB/022/16

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

Cairngorm Creations Ltd, Unit 1 D, Aviemore Shopping Centre, Grampian Avenue, Aviemore PH22 1RH.

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Cairngorm Creations Ltd, Reg. Office: Chartered Accountants, Oakfield House, 378 Brendan Street, Motherwell ML1 1XA per Bernard Harris, 20 Drummond Road, Aviemore PH22 1UG

1.0 Description of Premises

1.1 The premises are a retail outlet of approximately 600 sq.ft. trading as a gift shop selling local crafts and whisky produced by the local distillery, Speyside Distillery.

2.0 Operating Hours

2.1 The applicant seeks the following **off-sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 1900 hours

3.0 Background

3.1 On 12 February 2016 the Licensing Board received an application for the grant of a premises licence from the applicant's agent, Knight Training Ltd, 134 The Barracks, White Cross Business Park, South Road, Lancaster LA1 4Q.

The application was accompanied by the necessary Section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 15 February until 7 March 2016 and confirmation that the site notice was displayed has been received.

- 3.3 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.
- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council, Aviemore and Vicinity.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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

4.0 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 are: -

1. that the premises are excluded premises;
 2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 3. that 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,the Board considers the premises are unsuitable for use for the sale of alcohol, or
 4. that having regard to the number and capacity of licensed 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 overprovision of licensed premises of that description in the locality.
- 4.2 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The premises in question are a purpose built retail unit within a shopping centre in the centre of Aviemore. The premises are suitable for the sale of alcohol.

The hours applied for are within the policy hours of the Licensing Board. The stated capacity of the alcohol display does not conflict with the current Board policy in respect of over provision applicable to premises seeking capacity in excess of 40 square metres.

The necessary Section 50 Certificates in respect of Planning, Building Standards and Food Hygiene have been submitted with the application, as have competent lay out plans.

The premises have previously operated under the authority of occasional licences without any adverse issue.

The LSO is of the opinion that should the Board be minded to grant this application there will be no conflict with the licensing objectives.

6.0 HLB Local Policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (2) Highland Licensing Board Equality Strategy

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

No additional local conditions are recommended.

7.3 Special Conditions

No additional local conditions are recommended.

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/ 588

Date: 9 March 2016

Author: Wendy Grosvenor

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