

The Highland Licensing Board

Meeting – 6 December 2016

Agenda Item	8.1
Report No	HLB/110/16

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

Highland Home Centre, Unit 18, Speyside Business Centre, Dalfaber Industrial Estate, Aviemore, PH22 1ST

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 Highland Home Centre, Unit 18 Speyside Business Centre, Dalfaber Industrial Estate, Aviemore.

1.0 Description of premises

1.1 The Highland Home Centre is situated on an industrial estate and consists of a retail shop with café offering an extensive range of products for the home.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100-2200 hours each day

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

Off sales:

Monday to Sunday: 1000-2200 hours each day

3.0 Background

3.1 On 18 October 2106 the Licensing Board received an application for the provisional grant of a premises licence from Cairngorm Spas Ltd.

The application was accompanied by the necessary Section 50 certification in terms of Planning.

3.2 The application was publicised during the period 24 October until 14 November 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.
- 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://highland.gov.uk/hlb_hearings

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 LSO has provided the following comments:-

(i) A provisional alcohol premises licence application has been received from, Cairngorm Spas Ltd, to licence a retail shop unit within the Dalfaber Industrial Estate, Aviemore.

(ii) The premises appear suitable for the sale of alcohol as laid out in the operating plan. The necessary section 50 certificate in relation to planning has been submitted with the application.

(iii) The premises intend to offer on sales within their cafeteria section of the building and also offer a range to products by way of off sales. The off sales display area of 7.8 square metres is substantially under the threshold currently considered by the highland licensing board for the purposes of over provision.

(iv) The premises are situated within an industrial estate and as such, there are likely to be no adverse issues in respect of the licensing objectives.

(v) The hours sought by the applicant are within the hours permitted by the current board policy statement.

(vi) During the public consultation period for the application, no objections or representations have been received.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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 local licensing conditions are seen as necessary by the LSO.

7.3 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/599

Date: 16 November 2016

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