

The Highland Licensing Board

Meeting – 7 February 2017

Agenda Item	6.1
Report No	HLB/012/17

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

Premier Inn, Grampian Road, Aviemore, PH22 1PT

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of Premier Inn, Grampian Road, Aviemore, PH22 1PT.

1.0 Description of premises

1.1 The Premier Inn is situated on Aviemore's main road and consists of 60 bedrooms with hotel reception and restaurant, bar and associated facilities at ground level. A small external area will be included within the licensed area for the purpose of sale and supply of alcohol. The bedrooms will be located on the basement, ground floor and upper floor levels and are included within the ambit of the licence, so as to enable residents to consume alcohol purchased from the bar in their hotel bedrooms.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000-2400 hrs

3.0 Background

3.1 On 22 November 2016 the Licensing Board received an application for the provisional grant of a premises licence from Whitbread Group Plc.

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

3.2 The application was publicised during the period 5 December until 26 December 2016 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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) An application has been received for the construction of a new Premier Inn on Grampian Road, Aviemore. At present there exists solely a prepared construction site awaiting development.

(ii) The application requests a licence to sell alcohol from 1000 hours. Terminal hour for Monday to Sunday is 2400 hours. As the premises are food led and, offer an extensive menu of food choices, this complies with the requirements of the Highland Licensing Board's current policy on early hours opening for food led premises.

(iii) The operating plan has been overviewed by the LSO who is of the opinion that it is in line with the licensing objectives. An outside drinking area is shown in the plans. The site is a detached one, with reasonable distance from other commercial and residential units. It is recommended that the external drinking area be governed by a condition requiring its closure for the consumption of alcoholic and non-alcoholic beverages from 2300 hours.

(iv) The lay out plans are competent and the necessary section 50 certificate in respect of planning has been submitted with the application.

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the Schedule of Local Conditions:

(a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress. (Licensing Objective 5).

(b) Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the on the premises. (Licensing Objective 5).

(c) Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time. (Licensing Objective 5).

(e) After 2300 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area. (Licensing Objective 3).

(g) The licence holder shall submit to the board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the board's policy statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition. (Licensing Objectives 1 and 2)

7.3 Special conditions

The Board may wish to consider attaching the following special conditions:

(1) A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hours. (Mandatory condition)

(2) A designated person who is the holder of a personal licence must be present on the premises from 0100 hours. (Local condition) (Licensing Objectives 1 and 2).

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras 7.2 and 7.3 above.

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/602

Date: 5 January 2017

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