

## The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	12.4
Report No	HLB/062/17

### Application for a major variation of 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 a major variation of premises licence by Cairngorm Spas Ltd, Speyside Business Centre, Dalfaber Industrial Estate, Aviemore, PH22 1ST.

#### 1.0 Description of premises

1.1 Retail shop with café, offering an extensive range of home products situated within Dalfaber Industrial Estate, Aviemore.

#### 2.0 Summary of variation application

##### 3.1 Variation sought

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

- (1) Capacity to increase to 90.
- (2) The footprint of the licensed premises is to be extended to include a BBQ hut and adjacent decking area.
- (3) To be added to the description: "The licensed area includes a BBQ hut and also an external decked area."

#### 3.0 Background

3.1 On 21 April 2017 the Licensing Board received an application for a major variation of a premises licence from Cairngorm Spas Ltd.

3.2 The application was publicised during the period 27 April until 17 May 2017 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.
- 4.5 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](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 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.
- 4.2 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.

## **5.0 Licensing Standards Officer**

### **5.1 The LSO has provided the following comments:-**

(i) Highland Home Centre have obtained an alcohol premises licence this year for their restaurant and shop at Unit 18, Speyside Business Centre, Dalfaber Industrial Estate. Inspections carried out by the LSO, have shown these premises to be well run and the licence holders have quickly grasped their responsibilities under the Licensing (Scotland) Act 2005.

(ii) The business is still relatively new and is responding to the demands of the local market, which is very much tourist driven. As such, the licence holder has requested to include the provision of a barbeque hut and adjacent decking area within the licensed footprint of the premises; so it can be let out to families or groups for exclusive use, which will include both food and alcohol provision. The hut has been inspected by the LSO and is suitable for the sale of alcohol in the manner described. It is adjacent to the main premises and as such, will be under appropriate levels of supervision and control. As a result of the addition of this facility, the overall capacity has increased by 20. Service of alcohol to clients using the facility will be by way of waitress service, clients will not be permitted to supply their own alcohol.

(iii) Also the description of the premises has been updated to take account of this latest change.

(iv) The LSO is of the opinion that this variation is in keeping with the 5 licensing objectives.

## **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**

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

### 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: 18 May 2017

Author: Marjory Bain

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