

The Highland Licensing Board

Meeting – 27 March 2018

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| Agenda Item | 9.11 |
| Report No | HLB/031/18 |

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

The Old Minister's Guest House, Rothiemurchus, Inverdrue, Aviemore, PH22 1QH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Aviemore Gin Society Limited, 3 Robert Drive, Glasgow, G51 3HE.

1.0 Description of premises

1.1 The premises is a detached former manse standing in its own grounds at Rothiemurchus, Aviemore with five guest bedrooms.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 2400 hours

Sunday: 1200 hours to 2400 hours

3.0 Summary of variation application

3.1 Variation sought

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

1. Change to Layout Plan - addition of one extra bedroom.
2. Commence for on sales on Sunday at 1100 hrs rather than 1200 hrs.
3. Add off sales hours 1100-2200 hrs each day.
4. Add seasonal variations to open over the festive period.
5. Add 'Yes' receptions, functions club, other group meetings, recorded music, live performances, films, indoor/outdoor sport and televised sport to list of activities.

6. Add under further details of activities: "Residents and visitors may consume teas, coffees, soft drinks, snacks, etc., and breakfast outwith core hours when no alcohol will be served. Use of the outdoor drinking area will be extended to guests to play outdoor games such as croquet and take teas, coffees, snacks etc., outwith core hours.
7. Under 5(f) add: "Internet sales of gin."
8. Change childrens policy to read:
 - 6(b) Terms - Children and young persons will be allowed in the premises if accompanied and supervised by an adult.
 - 6(c) ages - 0-17.
 - 6(d) times - until 2200 hrs or, if resident, at all times.
 - 6(e) parts - all public areas including bedroom, external area and toilets.
9. Increase occupancy capacity from 8 to14 and add off sales capacity 2.64 m2.
10. Description of premises to read: "The premises are a detached former manse standing in its own licensed grounds at Rothiemurchus, Aviemore. Residential guests are provided with bed and breakfast/evening meal on the premises. There are 5 guest bedrooms. Alcohol will be sold to such residents.

4.0 Background

- 4.1 On 9 February 2018 the Licensing Board received an application for a major variation of a premises licence from Aviemore Gin Society Limited.
- 4.2 The application was publicised during the period 14 February until 7 March 2018 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.
- 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://highland.gov.uk/hlb_hearings

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. that 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 the same or similar description as the subject premises, in the locality.

5.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.3 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.

5.4 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:-

(i) The Old Ministers House, Rothiemurcus, by Aviemore is a substantial detached Victorian villa, within its own garden. Previously the premises have held a category 1 alcohol premises licence allowing sales of alcohol to guests who have secured residential accommodation on the premises. The licensing history of the premises is satisfactory, and the former owner demonstrated a strong grip on compliance with the requirements of the licensing legislation. There is no bar area and sales are supplied by staff, in response to requests by guests, from a drinks list.

(ii) Recently the premises have been sold and transferred to new owners, who through an agent have sought to modernise the alcohol premises licence in order to provide greater scope. The premises now seek to be able to offer both on and off sales. This is by way of sales to guests and also sales by way of

internet to the public, as one of the owners of the business is heavily involved in the gin market. There will be a small off sale display of 2.64 sq. metres for guests. Off sales for internet customers will be from a stock room.

(iii) Amendment to the licence is also sought to allow sales to be made from 1100 hrs on Sundays and, in accordance with Board policy, seasonal variations have been added to allow the premises to take advantage of any period of extended hours offered by the Highland Licensing Board over the festive season. The range of activities within section 5 of the operating plan has been expanded to allow their premises licence owners to diversify their business. The children's and young persons' policy has been updated to reflect that children and young persons may be non-resident.

(iv) The description of the premises has also been updated to reflect the addition of an extra bedroom, entailing an increase in occupancy capacity.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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

Existing local conditions will continue to apply and it is recommended that the following additional local condition(s) be attached:

(q) 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.

8.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

- (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/special condition(s) detailed at para(s). 8.2 and 8.3 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/521
Date: 12 March 2018
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