

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.1
Report No	HLB/063/18

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

Glenmore Shop and Café and Pine Marten Bar, Glenmore, Aviemore, PH22 1QU

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Mandy Peden, Askival, Glenmore Road, Oban, PH34 1QU.

1.0 Description of premises

1.1 The premises comprise of a shop dealing in general products – sports, camping and groceries and a small off-sales section. Glenmore café is attached to the shop providing sit down and takeaway food and snacks. Alcohol is provided in the area to persons taking table meals and there is also a public bar on the premises.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Thursday: 1100 hours to 2400 hours
Friday to Saturday: 1100 hours to 0100 hours
Sunday: 1200 hours to 2400 hours

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

1. On sales on Sunday to commence from 1100 hrs.
2. Seasonal variation to reflect adopting the Board's festive extension.
3. Increase capacity of the bar area due to a small extension.

- 4 Section 5(e) to reflect that external food provision will be offered on occasion in the outside drinking area.
5. Minor extension to the outside drinking area.
6. Terminal on sales hour to be 0100 hrs Sunday-Thursday.
7. Revised plans submitted to reflect Bar extension and other minor internal alterations and also minor extension to outside drinking area. Section 5(e) to reflect that external food provision will be offered on occasion in the outside.

4.0 Background

- 4.1 On 5 April 2018 the Licensing Board received an application for a major variation of a premises licence from Mandy Peden.
- 4.2 The application was publicised during the period 16 April until 7 May 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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 Glenmore Shop, Café and Pine Martin Bar, are situated within one building at Glenmore, Aviemore. The premises have operated successfully for a number of years and have a trouble free operating history. Compliance visits carried out by the LSO, have shown the current owners to be diligent in respect of their licensing compliance.

(ii) Application has been made to vary the premises licence to all on sales from 1100 hours on Sundays, this is within the Highland Licensing Board policy on hours.

(iii) Application is also made to include a seasonal variation within the operating plan, to allow the premises to take advantage of any period of festive extended hours offered by the Highland Licensing Board.

(iv) The layout of the Pine Martin bar has been altered and revised layout drawings showing this change have been submitted, a resultant increase of capacity has been included within the operating plan.

(v) The external outdoor drinking area has been extended slightly and revised drawings for this have also been submitted. Section 5(f) of the operating plan has been amended to allow outdoor food provision on occasion, in the form of a BBQ, hog roast or pizza wagon.

(vi) It is the view of the LSO, that the application meets the requirements of the licensing objectives.

(vii) No objection or representation has been received following the public consultation exercise.

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 no additional local conditions are considered necessary.

8.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para. 8.2 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/321
Date: 12 June 2018
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