

The Highland Licensing Board

Meeting – 7 August 2018

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| Agenda Item | 9.1 |
| Report No | HLB/085/18 |

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

Tiso, Unit 1, Grampian Road, Aviemore, PH22 1AF

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 Tiso, Unit 1 Grampian Road, Aviemore, PH22 1AF.

1.0 Description of premises

1.1 Tiso is situated in Aviemore Retail Park and consists of a retail shop, selling a range of outdoor experience products, café and children's play area.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hours to 2200 hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 7 June 2018 the Licensing Board received an application for the provisional grant of a premises licence from Graham Tiso Limited.

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

3.2 The application was publicised during the period 11 June until 2 July 2018 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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
 3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 4. 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
 5. 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.
- 4.2 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.

4.3 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) The premises are held within a retail development in the centre of Aviemore.
- (ii) The retail unit is currently being completed as per the lay out plans submitted with the application.
- (iii) The LSO has visited the site and the premises are suitable for the sale of alcohol as described within the application. The hours applied for are within the policy hours operated by the Highland Licensing Board.
- (iv) The required section 50 certificate in respect of planning has accompanied the application.
- (v) From the proposed operating plan submitted, the LSO is content that the application meets the requirements of the licensing objectives. The applicants have requested on sales to commence as from 1000 hours; it has been established the premises are food led and will operate a full menu covering this time. Any sales of alcohol prior to 1100 hours will only be as an accompaniment to food.

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

None recommended.

7.3 Special conditions

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

- (1) Any sale of alcohol for consumption on the premises prior to 1100 hours will only be sold as an accompaniment to food.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition detailed at para. 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/625
Date: 23 July 2018
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