

## The Highland Licensing Board

Meeting – 2 October 2018

Agenda Item	8.1
Report No	HLB/091/18

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

Cairngorm Gliding Club, Blackmill Airstrip, Feshie Bridge, Kincaig, PH21 1NG

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for the grant of a premises licence in respect of Cairngorm Gliding Club, Blackmill Airstrip, Achlean Road, Feshie Bridge, Kincaig, PH21 1NG.

#### 1.0 Description of premises

1.1 The Cairngorm Gliding Club is situated seven miles south of Aviemore, near Kincaig and consists of a single storey building, comprising of a Club Room, small bar and kitchen.

#### 2.0 Operating hours

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

**On sales:**

Monday to Sunday: 1100 hours to 0100 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 25 July 2018 the Licensing Board received an application for the grant of a premises licence from Cairngorm Gliding Club.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 6 August until 27 August 2018 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](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) An application has been received to licence this long established club situated within the Cairngorm national park, as a private members club.

(ii) The premises are a detached building on the Blackmill Airstrip, Feshiebridge incorporating club house facilities with kitchen, bar counter and toilets and a large hangar for storage of aircraft and maintenance.

(iii) The club have used occasional licences in the past to facilitate club events, all of which have been properly supervised and issue free.

(iv) The premises have been visited by the LSO and are fit for the sale of alcohol in the manner described within the operating plan. The hours applied for are within the current policy hours operated by Highland Licensing Board. The necessary section 50 certificates in respect of planning, building standards and food hygiene have accompanied the application.

(v) The LSO is of the opinion that there is no threat to the licensing objectives should the Board wish to grant this application.

(vi) From the public consultation and advertising phase of the application no objections or observations have been received.

## **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 from the schedule of local conditions:

(c) Children must not sit or remain at the bar counter at any time.

### **7.3 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 condition 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/626  
Date: 6 September 2018  
Author: Marjory Bain