

The Highland Licensing Board

Meeting – 6 November 2018

Agenda Item	9.1
Report No	HLB/113/18

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

Grantown East Highland Heritage and Cultural Centre, East Railway Station, Grantown on Spey, PH26 3AD

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 Grantown East Highland Heritage and Cultural Centre, East Railway Station, Grantown on Spey, PH26 3AD.

1.0 Description of premises

1.1 The Grantown East Highland Heritage and Cultural Centre is situated in a rural area of the town of Grantown and consists of a former railway station building converted to a shop from which off sales are sold. Two former railway carriages are permanent fixtures offering a fully seated restaurant. There is also a large car park and outside picnic facilities for customers.

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 27 August 2018 the Licensing Board received an application for the provisional grant of a premises licence from Grantown East Ltd, Claybarn, Ipsley Court, Berrington Close, Redditch, Worcestershire, B98 0TJ.

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

- 3.2 The application was publicised during the period 17 September until 8 October 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) A provisional licence application has been made for these premises which are centred around the former Grantown East Railway Station building on the outskirts of Grantown on Spey.

(ii) The former Railway Station building has been sympathetically restored into a gift shop, which will offer a range of merchandise inclusive of a range of local artisan alcohol products. As such, the Board's overprovision policy in respect of presuming against premises with a proposed capacity in excess of 40 square metres must be considered. However, the shop's display of 6.72 square metres is well within this.

(iii) Adjacent to the Railway Station is a short section of track on which are positioned two railway carriages which have been converted into a seated restaurant offering 68 covers, where alcohol will be dispensed to customers tables. There is no bar counter for vertical drinking. Outside the railway carriage is an outside drinking area mainly for summer use by customers.

(iv) Within the licensing footprint of the overall premises, there is a grassed area with landscaped banking, this will be used to host a variety of outdoor events such as food fayres, craft fayres, field demonstrations of sporting activities and community ceilidhs which may or may not involve the supply of alcohol in one form or another.

(v) The LSO has liaised closely with the applicants through the submission and compilation of this application and the operating plan is in keeping with the licensing objectives; it is envisaged that this development will bring substantial tourist and business development to the Grantown area.

(vi) The necessary section 50 certificate in relation to planning has been included with the application.

(vii) Following the statutory public consultation phase no objections or representations 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

No local conditions are considered necessary.

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/630
Date: 22 October 2018
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