

The Highland Licensing Board

Meeting – 1 October 2019

Agenda Item	9.2
Report No	HLB/086/19

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

Galaxy World Buffet, Myrtlefield House, Grampian Road, Aviemore, PH22 1RH

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 Galaxy World Buffet, Myrtlefield House, Grampian Road, Aviemore, PH22 1RH.

1.0 Description of premises

1.1 The Galaxy World Buffet is situated in the centre of Aviemore and consists of bar and upstairs restaurant.

2.0 Operating hours

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

Off sales:

Monday to Sunday: 1100 hours to 2400 hours

3.0 Background

3.1 On 21 June 2019 the Licensing Board received an application for the provisional grant of a premises licence from Siu Ping Liu.

The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.2 The application was publicised during the period 15 July until 5 August 2019 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, the following timeous notices of objection has been received and is appended:

Alfred Dickson, 1 Myrtlefield, Aviemore, PH22 1SB.

3.6 The applicant and the objector have been invited to attend the hearing. They have been advised of the hearings procedure which will be followed at the meeting and 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) An application has been received in respect of these premises which are a retail unit situated in the centre of Aviemore. The premises are now further being developed for the infrastructure of a restaurant. The restaurant is built over two floors. On the ground floor is a Noodle Bar hosting 30 covers, on the upper floor is a 120 cover restaurant. Alcohol will solely be served to customers taking meals at the tables in the premises; there is no bar counter.

(ii) The LSO has met with the applicant and has given advice and guidance in the compilation of the application. The operating plan submitted by the applicant has been overviewed by the LSO who is of the opinion that it is compliant with the 5 licensing objectives. The hours requested are within the policy hours of the Highland Licensing Board.

(iii) The necessary section 50 certificate in respect of planning has been submitted with the application, as has a Disabled Access Statement.

(iv) During the public consultation phase of the application one timeous objection has been received from a Mr Alfred Dixon, 1 Myrtlefield, Aviemore. Mr Dixon has made several complaints in the past in relation to licensed premises which are near his home. He feels the presence of another licensed premises in the general area will add to the issues of anti-social behaviour. It is the view of the LSO that as these premises are very much food led as opposed to other vertical drinking venues, that such an objection is not relevant and it is unfair to predict they will be a source of anti-social problems.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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

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

(1) Any alcohol supplied on the premises will be as an accompaniment to a meal to be consumed on the premises.

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. 7.2 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/643
Date: 13 September 2019
Author: Marjory Bain
Appendix: Letter of objection - Alfred Dickson

RECEIVED

- 5 AUG 2019

2/7/2019

Dear Claire,

I am writing to object in respect of a drinks licence application for Galaxy World Buffet, Myrtlefield House, Crampian Rd Huiemore, PH22 1RH.

I base my objection on the fact that there are already three licenced premises within a short radius to the houses of Myrtlefield on Crampian Rd.

I, personally, have had to make several complaints this year alone about noise and loud music coming from McKenzies pub on Crampian Rd, plus the anti social behaviour and street brawls on Crampian Rd at 1.00 / 2.00 AM in the morning.

I have had a beer bottle thrown through my living room window and informed the police of the incident.

The other residents of Myrtlefield have spoken to me about their disgust at the situation with McKenzies pub, however, I can only object to any other licenced premises being added to the area as I feel this would only add to

to an already present problem of drunkenness and lewd behaviour on Crampian Rd.

I also feel that there are elderly people and families with young children living in Myrtlefield and another licenced premises will only exacerbate an already existing problem.

I have listed my police complaints for this year alone along with the police incident number. These are all in relation to Mr. Kenzies pub.

2/5/19	:	4373
2/5/19	:	4437
3/6/19	:	4538
4/6/19	:	0141
29/6/19	:	5657

I do hope my objection will be given serious consideration by the licensing board based on what I have written which is fact and what I and others in Myrtlefield have experienced to our dismay.

Thanking you

