

The Highland Licensing Board

Meeting – 1 October 2019

Agenda Item	10.6
Report No	HLB/095/19

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

Speyside Woollen Company, Units 14 and 15, The Station, Aviemore, PH22 1RH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Edinburgh Woollen Mill Limited, Waverley Mills, Langholm, Dumfriesshire, DG13 0EB.

1.0 Description of premises

1.1 This is a typical Scottish tourist store situated in the centre of Aviemore selling a wide range of clothing, woollen goods, gifts and tourist lines including speciality liquor products.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Saturday: 1000 hours to 1730 hours
Sunday: 1230 hours to 1700 hours

3.0 Summary of variation application

3.1 Variation sought

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

(1) At Q3 amend opening time of off sales from 12.30 hrs to 10.00 hrs on Sunday and amend the terminal hours for off sales to 22.00 hrs Monday-Sunday.

(2) At Q4 change from yes to no so that the premises will not operate according to seasonal demand and delete the narrative.

(3) At Q5 amend so to introduce permission for club or other group meetings both during and outwith licensed hours.

(4) At Q5(c) in relation to:

- recorded music amend so to permit this activity during and outwith core licensed hours.

- live performances amend so to permit this activity during and outwith licensed hours.

(5) At the box detailing column 4 entries, amend the wording to read: "The premises may be used for various activities as noted above outwith core licensing hours. During this time the activities may be provided but no alcohol will be sold outwith the core licensed hours".

(6) At Q5(f) insert: "The retail sales of a wide range of goods, including clothing, woollens, shoes, golf equipment, household items, etc. Tastings will take place. Santa's grotto may be available throughout the months of November and December".

4.0 Background

4.1 On 26 July 2019 the Licensing Board received an application for a major variation of a premises licence from The Edinburgh Woollen Mill Limited.

4.2 The application was publicised during the period 12 August until 2 September 2019 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) Speyside Woollen Mill is a retail shop in the centre of Aviemore which sells alcohol by way of off sales. The premises have a trouble free operating history and compliance visits by the LSO have revealed the premises being run correctly according to the terms of their alcohol premises licence.

(ii) The premises have sought to modernise their existing licence in order to meet the heavy demands of the tourist trade with more flexibility.

(iii) Sunday hours are requested to commence from 1000 hours. The terminal hour Monday to Sunday is requested to be amended to 2200 hours. This is in line with the off sales hours allowed for in the Licensing (Scotland) Act 2005.

(vi) The capacity for seasonal variations is no longer required. Section 5 has been updated within the operating plan to accurately reflect the activities and

the times they are offered by the premises.

(v) The LSO has reviewed the amended operating plan and is of the opinion that it is compliant with the licensing objectives.

(vi) Following the public consultation phase of this application no objections or observations have been received.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

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

There are no existing local conditions and it is not considered necessary to attach any.

8.3 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/107
Date: 13 September 2019
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