

The Highland Licensing Board

Meeting – 7 September 2021

Agenda Item	9.4
Report No	HLB/089/21

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

Glenmore Shop & Café & Pine Marten Bar, Glenmore, Aviemore, PH22 1QU

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Squirreled Away Ltd, 20-22 Wenlock Road, London, N1 7GU.

1.0 Description of premises

1.1 Glen Shop & Café Pine Marten Bar is situated on the outskirts of Aviemore and 29 miles from Inverness.

2.0 Summary of variation application

2.1 Variation sought

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

1. We would like to extend our alcohol licence to cover our whole premises in order to have more tables and increase capacity.
2. Change of description: 'The Premises comprise a small general merchants shop offering a small range of alcohol for sale by way of off sales. A traditional wet sales bar is also included. In addition. a separate licensed café operates in the same building, offering alcoholic and non-alcoholic beverages to customers.

A substantial licensing footprint exists, covering a number of areas offering outside drinking facilities which are depicted on layout plans lodged with the Highland Licensing Board.

3.0 Background

3.1 On 5 July 2021 the Licensing Board received an application for a major variation of a premises licence from Squirreled Away Ltd.

- 3.2 The application was publicised during the period 20 September until 11 October 2021 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, both the applicant and the objector have been invited to submit a written representation to state their case.

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 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.
- 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 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.
- 4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) The premises are a group of business selling alcohol under one roof; namely a traditional wet sales bar; a small general merchants offering off sales and a cafeteria offering alcohol provision with table service.

(ii) Currently the premises also have an outside area to the front of the premises which mainly creates extra capacity for the wet sales bar. The applicants also own other land surrounding the premises and now seek to have these areas licensed, as additional outside drinking areas. The applicants have operated under occasional licences throughout the pandemic without adverse issue. In many respects, the layout is similar to a fried egg, with the physical premises being the yolk and the outside areas being the white.

(iii) The premises have been visited by the LSO and they are suitable for their intended use. Amended layout plans have been submitted.

(iv) As the outside areas will come quite close to the nearby Glenmore camp site in support of the third licensing objective concerning the prevention of public nuisance the following Local Licensing conditions are recommended.

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

Existing local conditions will continue to apply and it is recommended that the following additional local conditions be attached:

(m) After 2200 hours, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

n(i) No live or recorded music shall be played in any outdoor drinking area.

(p) The licence holder shall ensure that all outdoor tables are regularly cleared of all used glassware, crockery, cutlery and refuse.

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 conditions 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/321
Date: 12 October 2021
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