

The Highland Licensing Board

Meeting – 24 October 2023

Agenda Item	9.4
Report No	HLB/118/23

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

Glenmore Lodge, 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 Scottish Sports Council Trust Company Ltd, Caledonian House, South Gyle, Edinburgh, EH12 9DQ.

1.0 Description of premises

1.1 Glenmore Lodge is a detached building set in its own grounds in a rural location 0.5 mile from the village of Glenmore and eight miles from Aviemore. The Lodge campus sits on three acres in the heart of Cairngorm National Park.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Tuesday: 1100 hours to 2300 hours
Wednesday: 1100 hours to 2400 hours
Thursday to Saturday: 1100 hours to 0100 hours
Sunday: 1230 hours to 2300 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Sunday on sales to commence from 11.00 hrs.
- (2) Terminal on sales hour to be 01.00 hrs Monday-Sunday.
- (3) Add off sales to operating plan.
- (4) Section 5 of operating plan add - receptions, dance facilities within core hours.

(5) Add takeaway meals at section 5(f) operating plan.

(6) Revised description to read: 'Glenmore Lodge comprises of a physical building containing Lochain Bar, Dining room for 72 covers, 31 guest bedrooms and 4 detached chalet buildings.'

The entirety of the grounds of Glenmore Lodge are included in the licensed footprint, temporary bars and marquees able to be set up to facilitate catering for booked functions for guests.'

4.0 Background

4.1 On 5 September 2023 the Licensing Board received an application for a major variation of a premises licence from Scottish Sports Council Trust Company Ltd.

4.2 The application was publicised during the period 11 September until 2 October 2023 and confirmation that the site notice was displayed has been received.

4.3 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.

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:

www.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) The premises are a residential campus catering for outdoor sports enthusiasts at Glenmore, Aviemore.

(ii) The premises comprise, restaurant facilities, bar facilities, bedrooms, lecture facilities, they are surrounded by extensive grounds. The premises have held an alcohol premises licence since 2009. The operating history has been incident free and compliance visits carried out by the LSO, have shown the premises to be well run.

(iii) Application has now been made to modernise the licence. Sunday on sales hours are to commence from 1100 hours; terminal on sales hours are to be 0100 Monday to Sunday, to allow for periodic hosting of large scale events and the occasional wedding. Off sales are to be added to the operating plan. Additional facilities for dance and receptions are added to section 5 of the operating plan, in order to allow substantial marketing opportunity. Take away meals have been included at Section 5(f) of the operating plan to increase business potential with residents of nearby camp sites.

(iv) Lastly, the entirety of the grounds are requested to be included within the licensed footprint to allow for the erection of marquees for large scale events on a temporary basis.

(v) The LSO has visited the site and is of the opinion, that none of these additions will compromise any of the licensing objectives. The premises are sufficiently isolated from neighbouring property as to negate the need for any conditions for use of the outside environs.

(vi) The application has been advertised via a site notice at the premises for 21 days and no objections or representations have been received by the Board.

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

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

8.3 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/special condition(s) detailed at para(s). 8.2 and 8.3 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/219
Date: 9 October 2023
Author: Marjory Bain