

## The Highland Licensing Board

Meeting – 14 May 2013

Agenda Item	7.1
Report No	HLB/046/13

### Application for the grant of a Premises Licence under the Licensing (Scotland) Act 2005

#### Report by the Clerk of the Licensing Board

#### Summary

**Ref: HC/INBS/548**

This Report relates to an application for the grant of a Premises Licence for:

**Premises:** Sandy's Bothy, Badaguish Outdoor Centre, Glenmore, Aviemore PH22 1QU

**Applicant:** Speyside Trust per Annie Thomas, agent.

#### 1 Background

- 1.1 This is an application for a cafe with function room situated in an outdoor activity centre. Sandy's Bothy will be the only licensed area on the campus of Badaguish. It provides breakfasts, lunch and evening meals for the residents of the centre. Alcohol will solely be provided to adult residents of Badaguish Outdoor Centre.
- 1.2 Following receipt of the application, which has been accompanied by statutory fee and the three required S 50 Certificates:
- 1.3 A notice of the application together with a copy thereof has been sent to and all the people listed under S21(1) of the Act.
- 1.4 The Chief Constable has a period of 21 days to give notice that either the applicant or any connected person has been convicted of any relevant offence or foreign offence. It is also open to the Chief Constable in the event of giving such a conviction to recommend that the application be refused for the purposes of the crime prevention objective.
- 1.5 The applicant and the Board have complied with all the statutory formalities. The Licensing Standards Officer has also commented and any amendments proposed have been incorporated into the operating plan or are recommended as conditions.
- 1.6 The Board has advertised the application on the Council's website for a period of 21 days and the applicant has to display the Notice on site for the same period (15 April 2013 to 6 May 2013). As of 30 April 2013 no objections or representations have been received.

## **2. Legislation**

2.1 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 ground of refusal may be –

1. The premises are excluded premises;
2. The grant of the application will be inconsistent with one or more of the licensing objectives, 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. Having regard to the number and capacity of licenced premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result be over-provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted.

## **3. Summary of Application**

On Sales to residents only:

Monday to Friday - 11.00 to 01.00

Sunday - 12.00 to 24.00

## **4. Policies**

The following policies are relevant to the application:

Highland Licensing Board Policy Hours

Highland Licensing Board Policy Statement

The Highland Licensing Board Equality Strategy

Schedule of Local Conditions

## **5 Licensing Standards Officer's Comments:**

Badaguish Outdoor Centre is a purpose built centre specialising in providing accommodation and a base for persons and groups wishing to undertake a range of outdoor sports and challenges on offer in the Spey Valley.

Central to the campus is Sandy's Bothy which is the central dining facility and residents lounge for those persons staying on the campus, it also houses a function room. There is no bar area and alcohol sales will be via the server in the self service restaurant. It is envisaged that a fairly small range of alcohol will be available.

The Premises have been inspected by the LSO and are suitable for the sale of alcohol and the necessary Section 50 certificates and lay out plans have been provided. Children will be allowed unaccompanied into Sandy's Bothy when they are staying on the campus as part of a school or other like group, as the venue is also a recreational facility. In the view of the LSO this causes no issue as the children will be members of a Group that has access to adult supervision. Staff at the Centre will also know via the booking procedures the age range of any groups scheduled to stay.

Only those adults who have secured accommodation on Badaguish will be entitled to purchase alcohol solely for consumption on the Premises.

## 5.1 Local Conditions

### Specific Condition

"Alcohol will be sold solely to persons who have been allocated accommodation on the campus of the Badaguish Outdoor Centre for consumption solely on the premises known as Sandy's Bothy by them".

## 6.0 Mandatory Conditions

6.1 If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

### Recommendation

The Board is invited to determine the above application. .

Designation: Clerk of the Highland Licensing Board  
Reference: HC/INBS.546  
Author: Wendy Grosvenor  
Date: 10/04/2013  
Background Papers: The Licensing (Scotland) Act 2005