

## The Highland Licensing Board

Meeting – 10 May 2016

Agenda Item	7.3
Report No	HLB/037/16

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

Aviemore Holiday Park, Dalfaber Road, Aviemore PH22 1PU

### Report by the Depute Clerk to the Licensing Board

#### Summary

This report relates to an application for the grant of a premises licence in respect of Aviemore Holiday Park, Dalfaber Road, Aviemore PH22 1PU by the Partnership of A & V Durant.

#### 1.0 Description of premises

1.1 The premises is a bar/restaurant situated in Aviemore Holiday Park with outside seating offering on and off sales.

#### 2.0 Operating hours

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

##### On sales:

Monday to Thursday: 1100 hours to 2400 hours  
Friday and Saturday: 1100 hours to 0100 hours  
Sunday: 1100 hours to 2300 hours

The applicant seeks the following **off-sale** hours:

##### Off sales:

Monday to Sunday: 1100 hours to 2200 hours

#### 3.0 Background

3.1 On 16 March 2016 the Licensing Board received an application for the grant of a premises licence from Ms Vicky Durant, for The Partnership of A & V Durant, The Wardens House, Deshar Road, Boat of Garten PH24 3BN

The application was accompanied by the necessary Section 50 Certification in terms of Planning, Building Standards and Food Hygiene.

- 3.2 The application was publicised during the period 21 March 2016 to 11 April 2016 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 (Aviemore and Vicinity).
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **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 grant of the application would be inconsistent with one or more of the licensing objectives;
3. 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
4. that having regard to the number and capacity of licensed 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 overprovision of licensed premises of that description in the locality.

4.2 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) This premises is a stand-alone building situated within the substantial ground of the Aviemore Holiday Park, Dalfaber, Aviemore. This is a large scale holiday park providing accommodation via residential caravans.

(ii) The premises are suitable for the sale of alcohol and the necessary Section 50 certificates have accompanied the application, as have layout plans of the premises which are of an acceptable standard.

(iii) The hours applied for are within the policy hours of the Highland Licensing Board. Whilst in the main, the customer base will be residents of the Holiday Park, a Category 1 Licence has not been sought by the applicant so as allow other guests residing elsewhere in Aviemore to visit with friends and relations staying on site.

(iv) The operating plan has been reviewed by the LSO who is of the opinion that, should the Board be minded to grant the application then no compromise would be caused to the licensing objectives.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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**

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the schedule of local conditions:

- (a) Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who

is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress. (licensing objective 5).

(c) Notwithstanding conditions (a) children must not sit or remain at the bar counter at any time. (licensing objective 5).

(e) After 23.00 hours alcoholic or non-alcoholic drinks shall not be consumed in an outdoor drinking area. (licensing objective 3)

(h) Dartboards and any pool table will be situated in a location to be approved by the Licensing Standards Officer. (licensing objectives 2 and 5)

### 7.3 Special conditions

After 22.00 hrs no live performance or recorded music shall take place within the outside drinking area of the Premises (licensing objective 3).

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras 7.2 and 7.3 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/591

Date: 18 April 2016

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Background Papers: The Licensing (Scotland) Act 2005/Application Form.