

## The Highland Licensing Board

Meeting – 17 December 2013

Agenda Item	<b>9.5</b>
Report No	<b>HLB/156/13</b>

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

#### The Ptarmigan, Cairngorm Mountain Ski Area, Aviemore PH22 1RB Report by the Clerk to the Licensing Board

##### Summary

REF: HC/INBS/413

This Report relates to an application for a major variation of Premises Licence.

**Premises:** The Ptarmigan, Cairngorm Mountain Ski Area, Aviemore PH22 1RB

**Applicant:** Cairngorm Mountain Limited, per Douglas Somerville, Cairngorm Mountain Ski Area, Aviemore PH22 1RB

#### 1.0 Description of Premises

The premises are a visitor and winter sports centre located on Cairngorm Mountain, map ref. NH 990 060.

2 buildings, 1 top and 1 bottom of mountain railway (1.9km long). The Ptarmigan is at the top of railway and comprises a shop and bar/restaurant on separate floors.

All hospitality services are delivered in-house. The visitor flow is designed in such a way that a customer's visit is to a single destination.

The premises operate as part of the Cairngorm Ski Area complex which also incorporates the Day Lodge Cairngorm Mountain.

#### 1.1 Current Core Operating Hours

**On Sale:** Monday to Saturday 11.00 hrs to 20.00 hrs, Sundays 12.00 hrs to 20.00 hrs

**Off Sale:** Monday to Saturday 11.00 hrs to 20.00 hrs, Sundays 10.00 hrs to 20.00 hrs

## **2.0 Summary of Variation Application**

### **2.1 Variation Sought**

1. Change to Operating Plan - amend On sales: Sundays from 11.00 hrs and Off Sales: Monday to Sunday from 10.00 hrs.
2. Amend Seasonal Variation: Extended Hours to 01.00 hrs for pre booked functions 1st April to 31 October.
3. Change Layout Plan: To include sites for BBQ and temporary bar adjacent to building/event area.
5. Addition of 'Snow Sports Events' to list of events 5(f).
6. Amend age of Children to be accompanied by an adult from 16 to 12 yrs.

### **3.0 Background**

3.1 On 22 October 2013 the Licensing Board received an application for a Major Variation of a Premises Licence on behalf of the applicant, Cairngorm Mountain Ltd and Douglas Somerville.

3.2 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 (4 November to 25 November 2013). Confirmation of site notice has been received.

3.3 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, The Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification and a copy of the application have been sent to NHS Highland and to the Local Community Council.

3.4 A notice of the application has been sent to and all the people listed under S21(1) of the Act.

3.5 No objections have been received in respect of the application.

### **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, if the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.

4.2 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 as modified.

## **5.0 Licensing Standards Officer's Comments**

Following the publication of a new Policy Statement for 2013-2016, the Highland Licensing Board has allowed provision for Sunday core hours for on sales to commence from 11.00am and terminate at a maximum for non "Late Hours Premises" at 1.00am.

Accordingly the Applicants have now sought to take advantage of this extension in hours for their on sales trade and would also seek to allow off sales to commence from 10.00am; the differential between on and off sales hours is to facilitate requests from numerous hill walkers who use the area to purchase alcohol to take them on their excursions.

On occasion particularly during the busiest snow sports part of the season a variety of snow sports maybe held in an area near to the Ptarmigan restaurant, on occasions BBQ's are set up for the competitors and spectators and it is desired by the Applicants to set up temporary bar facilities carved out of the snow to assist in catering for these events. If the Board were moved to grant such a variation to the Operating Plan it is not envisaged by the LSO that any of the Licensing Objectives would be compromised.

Purely as a matter of ensuring the accuracy of the Operating Plan, "snow sports" are requested to be added as an activity at 5(f).

Lastly to reflect the use of the Premises by family and school groups it is requested that the Children's Policy is amended to allow Children access whilst unaccompanied from 12 years and up until 20.00hrs after which time they require to be supervised by an adult.. The LSO has inspected the premises which are very much a licensed restaurant/cafeteria, albeit that there is a separate bar counter. The Premises are predominantly food led with the emphasis on providing a convivial environment for visitors and snow

sports enthusiasts to relax in. The environment is such that there is no compromise to the fifth Licensing Objective concerning the protection of children from harm.

## **6.0 HLB Local Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) Schedule of Local Conditions
- (iv) Highland Licensing Board combined Equality Scheme

## **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 are deemed sufficient to ensure observance of the Licensing Objectives.

## **Recommendation**

The Board is invited to determine the above application. The Board is invited to determine the above application.

Signature:

Designation: Clerk to the Licensing Board

Reference: HC/INBS/ 413

Date: 23 October, 2013

Author: Wendy Grosvenor

Background Papers: The Licensing (Scotland) Act 2005/Application Form. Licensing Board Policy Statement from 1 October 2013 to 30 November 2016.