

The Highland Licensing Board

Meeting – 6 August 2019

Agenda Item	8.1
Report No	HLB/071/19

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

Cairngorm Hotel, 77 Grampian Road, Aviemore, PH22 1PE

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by WKW Partnership Ltd, 32A Hamilton Street, Saltcoats, Ayrshire, KA21 5DS.

1.0 Description of premises

1.1 The premises are a traditional Highland stone built property with 31 letting bedrooms, restaurant, coffee shop, function suite and a public bar situated in the centre of Aviemore opposite the railway station.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) To extend the designated outdoor drinking area to include the car park to the front of the premises to allow customers to consume alcoholic and non-alcoholic drinks. To be included within the text of Section 5(f) of the operating plan that the area is not overlooked by residential premises.
- (2) Revised layout plans have been compiled to reflect the extension of the public drinking area to the front of the hotel.
- (3) Amend second paragraph of description to read: "There is a car park to the front of the hotel which on limited occasions will be given over to sole use to host live performances to support locally significant events and temporary bar facilities may be erected within the car park to service attending customers. On a former boules court an outdoor seating area has been created. Further car park facilities area at the rear of the hotel.

3.0 Background

- 3.1 On 11 June 2019 the Licensing Board received an application for a major variation of a premises licence from WKW Partnership Ltd.
- 3.2 The application was publicised during the period 24 June until 15 July 2019 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 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://highland.gov.uk/hlb_hearings

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) Cairngorm Hotel, Aviemore is a large detached hotel situated in the centre of Aviemore opposite the Railway Station. The hotel has held a premises licence since 2009. It has an excellent operating history and compliance visits have shown the premises to be well run.
- (ii) Aviemore has over recent years developed itself into a high quality tourist resort attracting many large scale events such as the "Thunder in the Glen" Harley Davidson motorcycle rally. The hotel has participated fully in these events with the extensive car park at the front of the hotel, used to host live bands to entertain the visitors. This has been done on a well managed yet "ad hoc" basis in the past. With the growing popularity of events it is now time to manage it more professionally by including the car park area within the licensing foot print. This will allow guests to bring alcohol out onto the car park area in order to view the entertainment.
- (iii) This facility will only be utilised on a very few occasions in the year, as otherwise the car park must function for its primary use to provide facilities for the hotel's guests. The hotel is very much in a commercial district of Aviemore and these activities in the past have not given rise to complaint as all neighbouring premises are also participating in the event. Having seen this operation in the past, the LSO is supportive of the application as it allows alcohol to be consumed in the car park whereas previously, a bit of latitude was extended in the past. The management of these type of events has been appropriately documented within section 5(f) of the operating plan.
- (iv) All events will be serviced by a temporary marquee bar set up in the car park solely utilising plastic, polycarbonate glassware or cans. Additional portaloos will be on site and professional stewarding will be in place.

- (v) The LSO is satisfied that should the Board see fit to grant this variation that there will be no adverse impact in respect of the licensing objectives.

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 no additional local conditions are considered necessary.

7.3 Special conditions

The Board may wish to consider attaching the following special conditions:

- (1) Alcohol sales will be made from a temporary bar counter within a marquee.
- (2) All sales of alcoholic and non-alcoholic drinks will be in plastic or polycarbonate glasses or in cans.
- (3) An appropriate number of SIA registered stewards shall be in place in order to supervise and manage patrons.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/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/437
Date: 17 July 2019
Author: Marjory Bain