

The Highland Licensing Board

Meeting – 6 September 2022

Agenda Item	7.3
Report No	HLB/084/22

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

New Build Hotel Development, Nevis Range, Torlundy, Fort William, PH33 6SQ

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of a new build hotel development at Nevis Range, Torlundy, Fort William, PH33 6SQ.

1.0 Description of premises

1.1 The premises is located at the base station within the Nevis Range Mountain Resort on the outskirts of Fort William and comprises of a two storey, 22 bedroom hotel; an adjoining 4 bedroom bunkhouse with a dedicated reception/bar and seating area and two retail units.

The Pinemarten Café also forms part of the licensed premises where breakfast facilities will be offered to residents. The café will also be open to non-residents as part of the overall resort facility.

External drinking areas include a covered courtyard area which extends along the main frontage of the premises and a stretch tent located outside the Pinemarten Café which is erected for use during the summer season and large scale sporting events.

24hr room service will be available for hotel residents.

2.0 Operating hours

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

On sales:

Monday to 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 11 July 2022 the Licensing Board received an application for the provisional grant of a premises licence from Nevis Range Development Company Limited.

The provisional application was accompanied by the necessary section 50 certification in terms of Planning together with a Disabled Access Statement.

3.2 The application was publicised during the period 3 August 2022 until 24 August 2022 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:

[Highland Licensing Board - 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 are: -

1. that the premises are excluded premises;
2. that the Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of

the licensing objectives;

4. 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
5. 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 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:-

- An application has been received by the Highland Licensing Board for a 22 bedroom hotel, with adjoining 4 bedroom bunkhouse at the Nevis Range base station at Aonach Mor, Lochaber.
- The hotel is currently being built and is at a fairly advanced stage of construction.
- The LSO has met with the applicant and reviewed the layout plans against the proposed operating plan. It is the opinion of the LSO that the premises are suitable for the sale of alcohol as described within the operating plan. The operating hours applied for are within current HLB policy hours and the Licensing (Scotland) Act 2005 in relation to off sales hours.
- The necessary Section 50 certificate relating to planning has accompanied the application as has a Disabled Access Statement. The operating plan proposed has been discussed with the applicant and in the view of the LSO meets the standards of the 5 licensing objectives.
- The applicant already operates licensed premises at Aonach Mor, having

operated the Pine Marten and Snow Goose restaurant premises for a number of years without any compliance infringements.

- The location is very heavily favoured by sports enthusiasts from winter sports and cycling and enhanced accommodation offering is a natural development in the range of facilities.
- During the public consultation phase of the application, no objections or representations were received by the Board.

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

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

- B. Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises.
- C. Notwithstanding condition (b), children must not sit or remain at the bar counter at any time.
- K. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

7.3 Special conditions

The Board may wish to consider attaching the following specific condition(s):

1. On any occasion the premises are permitted to remain open after 0100 hrs a person who is the holder of a Scottish Personal Licence is required to be supervising the premises until they close.
2. On any occasion the premises are permitted to remain open after 0100 hrs a person who is the holder of a current First Aid Qualification is required to be on the premises until they close.

Recommendation

The Board is invited to determine the above application and if minded to grant the provisional application, to agree the proposed local and specific conditions detailed at para(s) 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/RSL/2024
Date: 25 August 2022
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