

The Highland Licensing Board

Meeting – 10 January 2023

Agenda Item	6.3
Report No	HLB/005/23

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

The Ptarmigan, Cairngorm Mountain (Scotland) Ltd, Ski Road, Aviemore, PH22 1RB

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of The Ptarmigan, Cairngorm Mountain (Scotland) Ltd, Ski Road, Aviemore, PH22 1RB

1.0 Description of premises

1.1 The Ptarmigan is situated on Cairngorm Mountain and consists of two buildings, one top and one bottom of the mountain railway.

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 2000 hours

3.0 Background

3.1 On 4 October 2022 the Licensing Board received an application for the grant of a premises licence from Cairngorm Mountain (Scotland) Ltd.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 21 November until 12 December 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:-

(i) The Ptarmigan is located at the top of the funicular railway on Cairngorm Mountain, Aviemore. The premises are a winter sports and visitor attraction. There is both a shop and restaurant on different floors of the building.

(ii) The premises held an alcohol premises licence between 2008 and 2018, when the premises licence was surrendered due to economic factors surrounding the closing of the funicular railway for repairs.

(iii) The premises have been visited by the LSO and are suitable for the sale of alcohol, as described within the operating plan. The off sales area dedicated within the shop is well under the current threshold of 40 square metres applied for the consideration of overprovision.

(iv) The LSO has overviewed the submitted operating plan and is content it meets the requirements of the 5 licensing objectives and complies with current HLB policy.

(v) The necessary section 50 certificates relating to planning, building control and food hygiene have been submitted as has a disabled access statement.

(vi) During the public consultation period for the application no objections or representations were received by the Licensing 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

No local conditions are considered necessary.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application.

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/677
Date: 14 December 2022
Author: Marjory Bain