

The Highland Licensing Board

Meeting – 27 March 2018

Agenda Item	9.5
Report No	HLB/025/18

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

Snowgoose Restaurant and Bar, Nevis Range, Torlundy, Fort William, PH33 6SW

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Nevis Range Development Company plc, Nevis Range, Torlundy, Fort William, PH33 6SQ.

1.0 Description of premises

1.1 The premises forms part of the Nevis Range mountain resort at Torlundy on the outskirts of Fort William and is located at the top station of the mountain gondola.

The premises comprise a restaurant area for families with food and beverage serveries, an extensive outdoor balcony and seating area and a gift shop offering off-sales provision.

In addition, the entirety of the gondola system is included within the licensed premises to allow accompanying refreshments to be offered with bespoke viewing experiences.

The premises is accessed by gondola from the car parking area at the base station of Aonach Mor.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Saturday: 1100 hours to 2300 hours
Sunday: 1230 hours to 2300 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Increase core on sales opening hour on Sunday to 1100 hours (previously 1230hrs)
- (2) Increase core on sale terminal hour, Monday to Sunday to 0100 hours (previously 2300 hrs)
- (3) Seek provision of off-sales, Monday to Sunday 1000 hrs to 2200 hrs
- (4) Remove existing seasonal variation
- (5) Add additional activities to take place within and outwith core hours : theatre, gaming and televised sports
- (6) Extend footprint of premises to include cable car system, restaurant area, outdoor balcony and provision of off-sales within gift shop
- (7) Amend children and young persons policy to reflect change in the layout of the restaurant area
- (8) Increase capacity to reflect extension of footprint of licensed premises
- (9) Revise existing description of premises to reflect inclusion of gondola and gift shop within licence

4.0 Background

- 4.1 On 24 January 2018 the Licensing Board received an application for a major variation of a premises licence from Nevis Range Development Company plc.
- 4.2 The application was publicised during the period 29 January 2018 until 19 February 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.

- 4.6 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

5.0 Legislation

- 5.1 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.

- 5.2 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.

- 5.3 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.

- 5.4 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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (1) Nevis Range, Torlundy, Lochaber is a well-established ski and mountain bike venue which caters for thousands of tourists and sports enthusiasts throughout the year. The site comprises of a bottom car park with restaurant facilities and a base station which operates a gondola cable car system to an upper station area. It is this upper station area that houses the Snowgoose Restaurant, retail shop and outdoor terrace. The location is world famous and offers some of the most breath-taking views available in Scotland. The whole operation is marketed as a high profile and professionally run tourist attraction.
- (2) The Snowgoose Restaurant has operated as a licensed café/restaurant area for several years under the Licensing (Scotland) Act 2005. The premises have an incident-free operating history and licensing visits carried out by the LSO have shown the licence holders to be diligent in respect of their responsibilities under the licensing legislation.
- (3) Application has now been made by the licence holder to modernise the existing premises licence. The core hours are requested to be increased to allow on sales to commence from 1100 hours on Sundays, and for the existing terminal hour to be extended until 0100 hours, Monday to Sunday. The Licensing Standards Officer sees no issue with this as regularly the licence-holder applies for extended hours until 0100 hours to facilitate weddings and other celebrations, none of which has caused any adverse issue. In addition, a new facility to allow off sales to customers within the restaurant and shop unit is asked for, very much to cater for the souvenir/memento market. Sales are to be very much of craft beers/gins and malt whisky. The capacity for off sales is well below the threshold currently set by the Highland Licensing Board for considering the question of over provision.
- (4) Expansion of the activities contained within section 5 of the operating plan is requested and such changes would still be compliant with the licensing objectives.
- (5) The applicant seeks to capitalise on the iconic views offered from the gondola system and seeks to offer the facility of enjoying a glass of wine whilst travelling on the system and also offering bespoke packages whereby the gondola may stop for a period of time to allow viewing and photographic opportunities. This has been discussed at length with the operators who are confident of ensuring public safety and will ensure adequate supervision of prospective customers prior to embarkation. Solely plastic glasses will be used for this part of the operation.

- (6) The overall footprint of the premises has been extended to include an outdoor patio area for customers to enjoy all forms of beverage. The children and young persons policy at section 6 of the operating plan has been changed to allow greater access to children aged 12 and above unsupervised during the day. This is seen as reasonable and in keeping with the licensing objectives as the restaurant is well used by teenagers for food and non-alcoholic beverages whilst enjoying the range of sporting opportunities available.
- (7) In summation, whilst aspects of this application are out with the normal format of licensed premises, it is the view of the Licensing Standards Officer that considerable thought has been put into this application by an operator experienced in ensuring observance of customer safety and there will be no threat to the licensing objectives if the Board were of a mind to grant the application.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

There are no existing local conditions but the following local condition(s) are now recommended:

- 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.
- C Notwithstanding condition (a), children must not sit or remain at the bar counter at any time.

8.3 Special conditions

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

- (1) For any alcohol or non-alcoholic drink to be consumed on the Gondola cable car system, drinks shall only be served in cans or in plastic or polycarbonate containers.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/special condition(s) detailed at para(s). 8.2 and 8.3 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/1084
Date: 20 February 2018
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