

The Highland Licensing Board

Meeting – 15 May 2018

Agenda Item	8.1
Report No	HLB/043/18

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

National Trust for Scotland, Culloden Battlefield Visitor Centre, Culloden Moor, Inverness, IV2 5SD

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by National Trust for Scotland Enterprises Ltd, Hermiston Quay, 5 Cultins Road, Edinburgh, EH11 4DF.

1.0 Description of premises

1.1 Purpose built visitor and exhibition centre, constructed on the Culloden Battlefield site which comprises a museum, a multipurpose room for education, research, presentations, seminars, product launches, private functions and corporate meetings, and a restaurant and gift shop.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Variation to amend Q4 of operating plan from 'yes' to 'no' as the Visitor Centre now plans to operate all year round.

(2) Variation to the additional information at Q5 of the operating plan to include the Visitor Centre opening hours.

3.0 Background

3.1 On 19 February 2018 the Licensing Board received an application for a major variation of a premises licence from National Trust for Scotland.

3.2 The application was publicised during the period 5 March until 26 March 2018 and confirmation that the site notice was displayed has been received.

- 3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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) The premises concerned are a licensed premises comprising a shop and restaurant attached to a visitor centre.

(ii) The premises have a trouble free operating history, and compliance visits carried out by the LSO have revealed no areas of concern.

(iii) Application has been made to remove a seasonal variation within the operating plan to allow the premises to operate all year round. In addition, text reflecting the operating hours of the visitor centre has been included within Section 5(f) of the operating plan.

(iv) In the opinion of the LSO, these changes will have no adverse impact on the licensing objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (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

There are no existing local conditions and it is not considered necessary to attach any.

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/179
Date: 28 March 2018
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