

The Highland Licensing Board

Meeting – 4 August 2020

Agenda Item	8.2
Report No	HLB/046/20

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

Urquhart Castle, Drumnadrochit, Inverness-shire, IV63 2XJ

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Historic Environment Scotland Enterprises Ltd, Longrove House, Salisbury Place, Edinburgh, EH9 1SH.

1.0 Description of premises

1.1 Urquhart Castle is a tourist attraction ruin situated on the shores of Loch Ness on the outskirts of the village of Drumnadrochit, 16 miles south of Inverness.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Sunday. 1000 hours to 1800 hours

3.0 Summary of variation application

3.1 Variation sought

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

1. Extend off sales hours from 1800-2000 hours each day rather terminating at 1800 hours.
2. Seasonal variation to be amended to read: 'Premises may close earlier in light of customer demand and weather conditions.'

4.0 Background

- 4.1 On 20 March 2020 the Licensing Board received an application for a major variation of a premises licence from Historic Environment Scotland Enterprises Ltd.
- 4.2 The application was publicised during the period 24 June until 15 July 2020 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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:-

- (i) The premises in question are a gift shop within the Urquhart Castle Visitor Centre, Drumnadrochit, operated by Historic Scotland. Alcohol is sold solely by way of off sales to visitors. The premises have operated under a premises licence since 2009 and have a trouble free operating history. Compliance checks carried out by the LSO, have shown strong compliance with the Licensing (Scotland) Act 2005.
- (ii) Application is made to extend the maximum off sales hours until 2000 hours, in order to take advantage of the main visitor season. Such hours are within the off sales hours allowed for in the Licensing (Scotland) Act 2005. The range of products are high quality spirits and craft beers which appeal mostly to the tourist market.
- (iii) The LSO is confident that should the Board see fit to grant the application, there will be no adverse effect on the licensing objectives.
- (iv) A short sentence is added to the seasonal variation part of the operating plan to reflect the option of earlier closing if visitor numbers decline through adverse weather, an option that is already acknowledged by the Act.
- (v) Following the public consultation phase of this application no objections or observations were received by the Board.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 and it is not considered necessary to attach any.

8.3 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/195

Date: 16 July 2020

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