

## The Highland Licensing Board

Meeting – 24 October 2023

Agenda Item	9.3
Report No	HLB/117/23

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

Ness Castle Lodges, Laggan, Dores Road, Inverness, IV2 6DH

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by Ness Castle Lodges Limited, Oldtown of Leys Farm, Culduthel, Inverness, IV2 6AE.

#### 1.0 Description of premises

1.1 Luxury property set in a tranquil wooden location just five miles from Inverness City Centre comprising of six letting lodges.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Friday: 1100 hours to 0100 hours  
Saturday: 1100 hours to 0030 hours  
Sunday: 1200 hours to 2400 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

(1) Vary Q7 capacity to read as follows:

Standard on sales - 63

Capacity breakdown: Ness Castle Lodge sleeps 12; Benula Lodge sleeps 7; The Bothy sleeps 30; Ghillies sleeps 6; Weir Cottage sleeps 4 and Red Squirrel sleeps 4.

Additional marquee function capacity of 150 persons.

(2) Amend description of premises to read as follows: 'Development comprises

six properties being Ness River Lodge, Benula Lodge, The Bothy, Ghillies Lodges, Red Squirrel Lodge and Weir Cottage in extensive private grounds on the shores of the River Ness, approximately five miles from Inverness City Centre.

The operators will offer an alcohol service for the six lodges to provide wines and liquors to guests.

On occasions, a marquee may be erected in the grounds to accommodate wedding receptions, together with additional temporary sanitary facilities.'

(3) Include three additional lodges (Ghillies, Weir and Red Squirrel) into the licensed area.

(4) Amend on sales on Saturdays to terminate at 01.00 hrs.

(5) Amend on sales on Sundays to commence at 1100 hrs and terminate at 0100 hrs.

#### **4.0 Background**

4.1 On 30 August 2023 the Licensing Board received an application for a major variation of a premises licence from Ness Castle Lodges Limited.

4.2 The application was publicised during the period 4 September until 25 September 2023 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:

## **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) Ness Castle Lodges is a well-established development comprising six luxury letting lodges set in a secluded, tranquil wooded location situated on the banks of the River Ness, five miles from Inverness City Centre. The development has traded under an alcohol premises licence since 2009.

(ii) Application has been made to update the premises licence by way of application for a major variation. Currently three of the six lodges i.e. The Bothy, Ness River Lodge and Benula Lodge are covered under terms of the existing licence whereby the operators provide wines and liquors to guests on request. Application has now been made by the operators, to incorporate the other three lodges, i.e. Red Squirrel Lodge, Ghillies Lodge and Red Squirrel Lodge to allow them to provide this service to all their guests.

(iii) In conjunction, the operators have applied for additional marquee function capacity of 150 persons, which would allow them to cater for wedding receptions or other private functions in an area adjacent to Ness River Lodge and as such are seeking to amend description of premises to read as follows:

Development comprises six properties being Ness River Lodge, Benula Lodge, The Bothy, Ghillies Lodges, Red Squirrel Lodge and Weir Cottage in extensive private grounds on the shores of the River Ness, approximately five miles from Inverness City Centre.

(iv) The operators will offer an alcohol service for the six lodges to provide wines and liquors to guests.

(v) On occasions, a marquee may be erected in the grounds to accommodate wedding receptions, together with additional temporary sanitary facilities.

(vi) The location of the development is such that neighbouring property will not be adversely affected by operations in these outside areas hence, no specific condition limiting hours of operation has been proposed by the LSO. Amended layout plans encompassing all changes have been submitted with the application.

(vii) The operators have also made application to amend on sales on Saturday and Sunday to terminate at 0100 hours and for on sales on Sundays to commence at 1100 hours. Both changes comply with current HLB policy and offer no compromise to the licensing objectives.

(viii) In summation, the LSO has visited the venue and is of the opinion, that none of the proposed changes to the operating plan affect the licensing objectives adversely. The previously operating history of these premises has been very satisfactory.

(ix) During the public consultation phase of this application, no objections or representations have been 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 and if minded to grant the application, to agree the proposed local/special conditions detailed at paras. 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/INBS/395  
Date: 9 October 2023  
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