

The Highland Licensing Board

Meeting – 7 May 2024

Agenda Item	8.1
Report No	HLB/40/24

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

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 Culloden Battlefield Visitor Centre, Culloden Moor, Inverness, IV2 5SD.

1.0 Description of premises

1.1 Culloden Battlefield Visitor Centre is a purpose build visitor and exhibition centre, constructed on the Culloden Battlefield some five miles east of Inverness. It consists of a museum, multipurpose room for education, research, presentations, seminars, product launches, private functions and corporate meetings, restaurant, gift shop and outside terrace area.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

On sales:

Monday to Sunday: 1100 hours to 2300 hrs

Off sales:

Monday to Sunday. 1000 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Q2 - amend licensed hours to 10.00 to 24.00 hrs Monday to Sunday.
- (2) Q5 - add bar meals and gaming as an activity during and outwith core hours.
- (3) Q5 - amend additional wording as follows: Activities listed above may take place prior to core hours (not normally before 08.00 hrs) but no alcohol will be

sold outwith core hours unless an extended hours licence is in place. Activities will not continue after core hours unless an extended hours licence is in place.

(4) Q5(f) - amend wording as follows: The premises will operate as a visitor attraction and private hire event space with catering provision. Weddings, receptions and other celebrations may take place. Private, corporate, community and charity events may include fundraising (raffles, auctions and the like). Tastings and samplings, demonstrations and events such as exhibitions may occur from time to time. Special events including product launches, shopping evenings, teaching, Scottish Country dancing, ceilidh dancing, etc. Ceremonies, meetings, conferences and presentations may take place from time to time. There may be shows, concerts and plays. General retail may occur.

4.0 Background

- 4.1 On 6 February 2024 the Licensing Board received an application for a major variation of a premises licence from Culloden Battlefield Visitor Centre.
- 4.2 The application was publicised during the period 19 February until 11 March 2024 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:

www.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:-

(i) The premises are a purpose-build visitor and exhibition centre, constructed on the Culloden Battlefield site. It consists of a museum, multi-purpose room for education, research, presentations, seminars, product launches, private functions and corporate meetings, restaurant and gift shop.

Culloden Battlefield Visitor Centre has operated both on and off sales for a number of years. Off sales have been dispensed from a gift shop and the on sales have taken place at large restaurant within the premises. The licensing history is trouble free and compliance visits carried out by the LSO have shown strong standards of diligence.

(ii) Application has been made to amend on sales hours Monday to Sunday from the current 1100 hours until 2300 hours to 1000 hours until 2400 hours. Such an early opening time is permitted under current Board policy, where it is ancillary to food provision and is acceptable by the Licensing (Scotland) Act 2005.

(iii) The variation lodged seeks to make extensive use of the Visitor Centre and the range of activities covered by section 5 of the operating plan is requested changes to be broadened to include:

- Add bar meals and gaming during and outwith core hours
- Amend wording at Q5

- Amend wording at Q5(f)

(iv) The LSO has inspected the premises and is satisfied that none of the requested changes threatens the licensing objectives in an adverse manner.

(v) Following 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 2023-28
- (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:

(f) Alcohol may be sold on the premises prior to 1100 hours only to persons taking table meals.

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 condition 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/179

Date: 22 April 2024

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