

## **The Highland Licensing Board**

**Meeting – 01 April 2025**

Agenda Item	9.5
Report No	HLB/29/25

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

**Inchnacardoch Lodge Hotel, Fort Augustus, Inverness-Shire PH32 4BL**

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

##### **Summary**

This report relates to an application for a major variation of premises licence by Inchnacardoch Lodge Hotel Ltd, Inchnacardoch Lodge Hotel, Fort Augustus, Inverness-Shire, Scotland, PH32 4BL.

#### **1.0 Description of premises**

- 1.1 Inchnacardoch Lodge Hotel in Fort Augustus has 15 letting bedrooms, a self-contained two-bedroom flat, a self-contained one-bedroom flat used by owners. It also has a dining room, guest lounge and bar. The building sits 50 metres from the main thoroughfare, in 5 acres of private ground, accessed by a long private driveway.

#### **2.0 Current operating hours**

- 2.1 The premises currently enjoys the following operating hours:

##### **On sales:**

Monday to Thursday:	11.00 hours to 23.00 hours
Friday:	11.00 hours to 01.00 hours
Saturday:	11.00 hours to 23.45 hours
Sunday:	12.30 hours to 23.00 hours

##### **Off sales:**

Monday to Saturday:	10.00 hours to 22.00 hours
Sunday:	12.30 hours to 22.00 hours

### **3.0 Summary of variation application**

#### **3.1 Variation sought**

The applicant seeks to vary the premises licence as follows:

Changes to operating plan:

- To increase the hours from 11 am to 1 am each day.
- To commence off sale hours from 11am on a Sunday.
- To add Seasonal Variations so that the premises may take advantage of General Extensions, such as the Festive Period, agreed by the Board.
- To add Indoor/ Outdoor Sports and Televised Sport as Activities.
- To provide that certain Activities, including Conference Facilities, Restaurant Facilities, Receptions, Club or other Group Meetings, Recorded Music, and Outdoor Drinking Facilities, may take place outwith licensed hours, firstly taking into account that this is a Hotel operating 24 hours a day, but also that some facilities, such as Conference Facilities, Restaurant Facilities, Receptions, Club or other Group Meetings and Outdoor Drinking may be used prior to licensed hours commencing, and occasionally after licensed hours. Other Activities including Restaurant Facilities, Music and Televised Sport may take place at any time during the 24-hour period, as the reception is staffed all night, and guests will have access to Televised Sport in their rooms. There is also 24-hour room service.
- The following will be added as additional Activities namely: Outside Catering (which may include alcohol), and Deliveries (which may include alcohol).
- To clarify the access arrangements regarding children and young persons. Children and young persons will have access to the premises if accompanied by an adult. Children and young persons who are staying in the Hotel will have access at all times, other than to the bar area, which they must vacate by 10pm. Young persons will have access at all times. Children and young persons who are not resident may remain in the premises without restriction, subject to management discretion. The same applies for children and young persons attending a private pre-booked function. They may remain until the end of the function, subject to management discretion. Children and young persons of all ages may have access. Children will be required to vacate the bar by 10pm but otherwise may remain until the end of licensed hours (if non-resident) and remain on the premises with an adult if they are resident. They will have access to all public areas.

Changes to licence:

- To change the description to "The premises consist of Hotel premises with eating and drinking facilities. The premises are accessed by a long private driveway and there are outdoor drinking facilities."

## **4.0 Background**

- 4.1 On 03 February 2025 the Licensing Board received an application for a major variation of a premises licence from Inchnacardoch Lodge Hotel Ltd.
- 4.2 The application was publicised during the period 05 March until 26 March 2025 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](http://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:

Application is sought for a major variation to amend and update various aspects of the current licence to reflect the proposed trading activities of the premises moving forward and the operators are seeking to apply for the following amendments:

(i) application is sought to update the description the premises to reflect the current Operating of the premises

(ii) application is sought to amend the current mix of sale of alcohol for on and off sales to bring them all in line as follows:

On Sales – Monday to Sunday - 1100 hours to 0100 hours

Off Sales – Monday to Sunday - 1000 hours to 2200 hours

(iii) application is sought at Q4 to add seasonal variations to allow the premises to take advantage of the Highland Licensing Boards festive hours policy and other occasions as determined by the Board.

(iv) Application is sought at Q5 and Q5(f) to amend and broaden the range of activities permitted within the operating plan and amend wording to reflect current trading position of the premises

(v) Application is sought at Q6(b) to amend and update the children and young persons policy to reflect the current operation of the premises

(vi) In the view of the LSO, the premises are suitable to sell alcohol as described within the operating plan and that the application and operating plan are compliant with HLB policy.

(vii) The LSO is satisfied that should the HLB wish to grant this application then there will be no threat to the licensing objectives.

(viii) Following the public consultation phase of this application, no objections or representations have been made to HLB.

## **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**

Existing local conditions will continue to apply and it is recommended that the following additional local condition(s) be attached:

m – after 2200 hrs, alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area;

n(i) – no live or recorded music shall be played in any outdoor drinking area;

o – the licence holder shall ensure that consumption of drinks (alcoholic or non-alcoholic) in any outside drinking area is permitted only by customers seated at the tables and chairs provided in the outside drinking area and not by customers standing in that area;

p – the licence holder shall ensure that all outdoor tables are regularly cleared of used glassware, crockery, cutlery and refuse.

### **8.3 Special conditions**

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

- You must keep delivery records (see below) on the premises and in the delivery vehicle
- No deliveries before 6am or after midnight.
- All payments must be processed during licensed hours (10am to 10pm)
- Challenge 25 must be applied when delivering the alcohol.
- The record keeping requirements are that a daybook must be kept at your despatch premises and a delivery book or invoice carried by the driver or courier must specify: (a) the quantity, description and price of alcohol, and (b) the name and address of the person to whom it is being delivered.

**Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detail at para. 8.2 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/339  
Date: 17 March 2025  
Author: Kata Somogyi