

The Highland Licensing Board

Meeting – 05 August 2025

Agenda Item	8.1
Report No	HLB/61/25

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

Fort George Visitor Centre, Ardersier, Inverness-shire, IV2 7TD

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 Limited, Longmore House, Salisbury Place, Edinburgh EH9 1SH.

1.0 Description of premises

1.1 The Historic Scotland Gift Shop at Fort George is an existing building within a site of historic interest at Fort George.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Sunday: 10.00 hours to 17.30 hours (16.30 hours seasonal)

3.0 Summary of variation application

3.1 Variation sought

The applicant seeks to vary the premises licence as follows:

Operating plan:

1. Change of terminal off sale hour to 22:00 daily.
2. Change of wording in relation to Seasonal Variations.
3. Inclusion of Theatre and Films as permitted activities.
4. Inclusion of activities in 5(f) to include retail activities, consumption of food and beverages, taking and dispatch of orders, tastings and samplings, displays and exhibitions and office and administrative functions.
5. Increase in off sale capacity to 2.99m².

Layout Plan:

Reconfiguration of internal layout to include moving location shelving area with adjacent tasting table

To update premises description as follows:

The Historic Scotland Gift Shop/Visitor Centre at Fort George is located within the site of historic interest at Fort George.

4.0 Background

- 4.1 On 13 June 2025 the Licensing Board received an application for a major variation of a premises licence from Historic Environment Scotland Enterprises Limited.
- 4.2 The application was publicised during the period 23 June 2025 until 14 July 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

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:

Fort George is a military fortification built between 1748 -1769 in the wake of the Jacobite Rising in 1745-6 and still serves as an Army base. Among the many buildings within the base is a Visitor Centre operated by Historic Environment Scotland which will later this year be undergoing refurbishment and reconfiguration.

(i) Application is sought for a major variation of the existing premises licence which has been operating since 2012, for off sales only. 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 off sales hours Monday to Sunday from the current 1000 hrs until 1730 hrs to 1000 hrs until 2200 hrs.

(iii) The premises will trade in small volume mainly high-end spirits attractive to the tourist visitor. Tutored tastings and samplings may be held on the premises under the supervision of trained staff. Off sales may be offered both to over-the-counter customers and to internet and telephone sales.

(iv) The proposed reconfiguration of the premises will result in the current alcohol display area being relocated to enable a more suitable area for tastings and samplings with a new tasting table being installed. This change of location will result in a slight increase to the off sales capacity from 2.34m² to 2.99m². This increase in capacity is well within the current threshold set by Highland Licensing Board for the consideration of overprovision at 30 m².

(v) The variation lodged seeks to make more extensive use of the Visitor Centre and the range of activities covered by Section 5 and 5(f) of the operating plan to provide flexibility for future trading.

(vi) Application is also sought to update the description of the premises on the licence.

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

(viii) 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

No local conditions are considered necessary.

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 grant the application, to agree the proposed local condition detailed 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/538

Date: 16 July 2025

Author: Kata Somogyi