

## The Highland Licensing Board

Meeting – 9 May 2023

Agenda Item	8.2
Report No	HLB/053/23

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

Aldourie Castle, Dores, Inverness, IV2 6EL

### Report by the Clerk to the Licensing Board

#### Summary

This report relates to an application for a major variation of premises licence by Aldourie Castle Ltd, c/o Wildland Ltd, Kinrara House, Kinrara Estate, Aviemore, PH22 1QA.

#### 1.0 Description of premises

1.1 Aldourie Castle is a beautiful and historic 5\* property situated within its own grounds on the shores of Loch Ness close the village of Dores. The Castle provides luxurious accommodation and dining for small group bookings with exclusivity of the Castle.

#### 2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Thursday: 1100 hours to 2300 hours  
Friday to Saturday: 1100 hours to 0100 hours  
Sunday: 1200 hours to 2300 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

1. Core on sales to be adjusted to 1100 hrs to 0100 hrs, Monday to Sunday.
2. Add off sales, 1000 hrs to 2200 hrs Monday to Sunday.
3. Amend premises description to read: 'Privately owned Castle located on

shore of Loch Ness, near Dores, Inverness. The Castle offers residential accommodation and dining facilities. The Castle operates 12 bedrooms and has dining capacity for 60 guests.

The Castle Estate has extensive grounds which are included in the licensed footprint. Outdoor functions may be catered for by Castle staff at various locations in the grounds; marquees and other temporary forms of accommodation may be used with ancillary alcohol provision.

Within the grounds are a Steading Building. This houses a formal function suite for guests use; there is also a farm shop where guests of the estate may purchase off sales.

4. Populate section 5(f) with details of how alcohol will be sold on the estate.
5. Amend capacity section of Operating Plan, to adjust bedrooms in the Castle and add capacity for function suite within the Steading area and off sales display area of the Farm Shop also located within the Steading area.
6. New layout plans submitted showing increased licensing footprint of Aldourie Castle Estate.
7. Specific plans added showing Steading Function Suite/Farm shop area.

#### **4.0 Background**

- 4.1 On 6 March 2023 the Licensing Board received an application for a major variation of a premises licence from Aldourie Castle Ltd.
- 4.2 The application was publicised during the period 27 March until 17 April 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:

[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:-

(i) Aldourie Castle is situated on an estate at the east end of Loch Ness. Previously only the Castle and a small outside area were included within the licensed footprint. Now a major variation has been submitted to increase the licensed area and expand the ability to sell /serve alcohol within the operating plan.

(ii) The on sales facility is requested to be extended to allow alcohol sales from 1100 to 0100 hours, Monday to Sunday, thereby allowing the venue to market itself for weddings and such like. Off sales are requested to be added to the

operating plan for the first time to allow a farm shop to operate within converted steadings on the estate supplying Estate guests with foodstuffs and high end spirits, liquors and ales. The display area within this farm shop is relatively small, coming well under the HLB's threshold for considering the question of over provision. Both on and off sales are within the policy hours of HLB.

(iii) Extensive areas of the Estate grounds have now been included within the licensed footprint which will allow outside events to take place in formal garden settings such as, wedding marquees. The extent of the Estate 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.

(iv) Within the Steadings building on the Estate is a purpose built function room capable of holding the likes of wedding functions complete with bar facilities.

(v) 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 incident free.

(vi) 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.

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/512

Date: 19 April 2023

Author: Marjory Bain