

The Highland Licensing Board

Meeting – Tuesday 6 August 2013

Agenda Item	9.4
Report No	HLB/087/13

Application for the Provisional Grant of a Premises Licence under the Licensing (Scotland) Act 2005

Ardnamurchan Distillery, Glenbeg, Ardnamurchan, PH36 4JG

Report by Clerk of the Licensing Board

Summary

This Report relates to an application for a Provisional Premises Licence in respect of Ardnamurchan Distillery, Glenbeg, Ardnamurchan, PH36 4JG.

1.0 Background

1.1 The Ardnamurchan Distillery is situated in Glenbeg on the Ardnamurchan Peninsula. The premises will include a Visitor Centre. The ground floor of the Visitor Centre will comprise of a welcoming area, shop, sales desk and a seating/rest area. The first floor of the premises will consist of a bar/seating area, a Manager's Office and a Meeting room.

The premises will be offering tours of the adjacent distillery with tastings taking place.

There is a meeting room within the premises where small receptions and group meetings may take place.

The premises are set in their own grounds with no immediate neighbours.

1.2 On 28 June 2013 the Licensing Board received an application for the provisional grant of a Premises Licence from Adelphi Distillery (1826) Ltd.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.

1.3 The application was publicised during the period 2 July until 23 July 2013 and confirmation that the site notice was displayed has been received.

1.4 In accordance with standard procedure, Police Scotland, Highlands & Islands Fire & Rescue Service, the Council's TEC Services (Environmental Health), Planning and Building Standards were consulted on the application.

Notification of the application was also sent to NHS Highland and to the local Community Council.

1.5 There are no objections or representations to the application.

2.0 Legislation

2.1 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 premises are excluded premises;
2. the grant of the application will be inconsistent with one or more of the licensing objectives; having regard to;
(i) the nature of the activities 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

3.0 Summary of Application

The applicant seeks the following **on and off-sale** operating hours:-

Monday to Saturday:	1000 hours to 2000 hours
Sunday:	1200 hours to 1700 hours

Off-Sale Capacity :

Accessible Area:	16.16 square metres
Inaccessible Area:	0.74 square metres

3.1 The applicant has been invited to attend the Board Meeting given the hours applied for are outwith the Licensing Board's policy namely, prior to 1100 hours Monday to Saturday, in so far as they are not food-led premises.

4.0 Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board Equality Strategy
- (iv) Schedule of Local Conditions

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- The hours applied for are outwith Board Policy given that the applicant is seeking opening hours of 1000 hours - Monday to Saturday. The Board's Policy Statement (Para. 10.3 - Early Hours) states that premises opening prior to 1100 hours must be food-led operations;
- The Children's Policy is in line with Board Policy;
- The layout plan(s) submitted with the application complies with the required specifications;
- The premises are considered suitable for use for the sale of alcohol in accordance with the proposed application;
- There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.

6.0 Conditions

6.1 Mandatory Conditions

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

6.2 Local Conditions

Should the Board grant the application as applied for, the Board may wish to consider attaching the following condition(s) from the Schedule of Local Conditions:-

Local Condition A:

Children under the age of 16 are excluded from any room where there is a bar counter after 10.00 pm except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress.

Local Condition B:

Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult.

Local Condition C:

Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

Recommendation

- (1) The Board are invited to determine the application and the proposed local conditions detailed at para. 6.2 above and:
 - (a) agree whether to grant the application as applied for, or
 - (b) grant the application with an amendment to the core opening hour from 1000 hours to 1100 hours, Monday to Saturday to bring into line with the Licensing Board's Policy.

Designation: Clerk of the Highland Licensing Board

Reference: HC/RSL/1671

Date: 24 July 2013

Author: AHM/JT

Background Papers: The Licensing (Scotland) Act 2005 /Application Form