

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	7.7
Report No	HLB/028/17

Application for the provisional grant of a premises licence under the Licensing (Scotland) Act 2005

An Teallach Ale Co Brewery Shop, 26 West Argyle Street, Ullapool

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a premises licence in respect of An Teallach Ale Co Brewery Shop, Ullapool.

1.0 Description of premises

1.1 The applicant proposes to open a shop selling their own products and brewery merchandise. Sample tasting may be provided at events and an online shop will operate from the premises.

2.0 Operating hours

2.1 The applicant seeks the following hours:

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 13 February 2017 the Licensing Board received an application for the provisional grant of a premises licence from Crasi Ltd t/a An Teallach Ale Company.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning.

3.3 The application was publicised during the period 17 February to 10 March 2017 and confirmation that the site notice was displayed during this time is awaited.

3.4 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council's Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.

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

- 3.6 Police Scotland confirmed that a connected person failed to disclose the existence of relevant convictions. They have accepted that the failure was a genuine misunderstanding, and they will be taking no further action.
- 3.7 Further to this publication and consultation process, no timeous objections or representations (other than the confirmation from Police Scotland referred to above) have been received.
- 3.8 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:

http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination

4.0 Legislation

- 4.1 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.
- 4.2 Relevant grounds of refusal are: -
1. that the premises are excluded premises;
 2. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 3. that 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,the Board considers the premises are unsuitable for use for the sale of alcohol, or
 4. that 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 overprovision of licensed premises of that description in the locality.
- 4.3 If the Board would refuse the application as made, but a modification is proposed by them and accepted by the applicant, the application can be granted as so modified.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

5.2 The applicant operates a brewery on a separate site from which trade sales are despatched. To satisfy growing customer demand they now intend to open a shop in Ullapool selling their own products and brewery merchandise direct to the public. Alcohol will be sold for off-sales only although free tasting and sampling of products may be carried out on the premises. It is also intended to operate an on-line shop from the premises.

5.3 The proposed hours are 1000 hrs to 2200 hrs daily in line with Board policy for off-sales.

5.4 The proposed capacity for alcohol is 18.7m² which does not conflict with the Board's policy on overprovision. Non-alcoholic merchandise is located in a defined area with the remaining area being devoted to the display of alcohol and brewery promotional material.

5.5 All activities and services referred to in the operating plan are appropriate for this type of operation. The alcoholic products to be offered for sale are aimed primarily at the gift and tourist markets and there should be no conflict with any of the licensing objectives.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

7.0 Conditions

7.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

7.2 Local conditions

No local conditions will apply.

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/CSR/1812

Date: 14 March 2017

Author: G Sutherland

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