

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	8.1
Report No	HLB/031/17

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

Isle of Skye Distillers Ltd, The Distillery, Hillfoot, Viewfield Road, Portree, Isle of Skye, IV51 9ES

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Isle of Skye Distillers Ltd.

1.0 Description of premises

1.1 The Isle of Skye Distillers Ltd is a single store detached gin distillery and office in a residential area of Portree.

2.0 Operating hours

2.1 The applicant seeks the following **off sale** hours:

Off sales:

Monday to Sunday: 1000 hours to 1900 hours

3.0 Background

3.1 On 13 February 2017 the Licensing Board received an application for the grant of a premises licence from Isle of Skye Distillers Ltd.

The application was accompanied by the necessary Section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 16 February 2017 until 9 March 2017 and confirmation that the site notice was displayed has been received.

3.3 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.

- 3.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.6 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:

http://highland.gov.uk/hlb_hearings

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.

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.
- 4.2 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:-

- (i) The applicant has constructed a small gin distillery within the grounds of the dwellinghouse, "Hillfoot", Viewfield Road, Portree.
- (ii) The application is for off sales only and sales will only be fulfilled through orders originating off the premises. No personal callers will be permitted on the premises. The applicant will provide a delivery service for local clients and other orders will be despatched by post or other carrier.
- (iii) The applicant made reference in the application at 5(f) - other activities - to "single bottle sales of postal orders..." however such fine detail would be unnecessarily restrictive and the applicant now requests that the application be amended to:-

"A delivery service will be available to fulfil local orders and all other deliveries will be despatched by post or other carrier".
- (iv) As there is no display of alcohol on the premises and members of the public are not permitted there is no requirement to specify a capacity for alcohol and the terms of the Board's policy on off-sales overprovision will not apply.
- (v) The applicant has provided an acceptable statement detailing his policy for local deliveries.
- (vi) The licensed hours applied for are within policy for off sales premises and the activities or services to be provided are appropriate for the specified operation.

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 are considered necessary.

7.3 Special conditions

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

- (1) Alcohol for consumption off the premises to which this licence refers may only be sold and despatched pursuant to an order originating off the premises.
- (2) Local deliveries of alcohol shall only be carried out in accordance with a delivery policy agreed with a Highland Council Licensing Standards Officer and a copy of policy provided to the Highland Licensing Board.
- (3) No member of the public seeking to buy alcohol on the premises or to collect alcohol from the premises is permitted on the premises to which this licence refers.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions detailed at para 7.3.

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/RSL/1811

Date: 10 March 2017

Author: Carol Nicolson

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