

The Highland Licensing Board

Meeting – 1 November 2017

Agenda Item	7.2
Report No	HLB/122/17

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

Kinrara Distillery Limited, Lynwilg Farm Steading, Lynwilg, Aviemore, PH22 1PZ

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 Kinrara Distillery Limited, Lynwilg Farm Steading, Lynwilg, Aviemore, PH22 1PZ.

1.0 Description of premises

1.1 Kinrara Distillery Limited is situated in Strathspey on the outskirts of the Cairngorm National Park, some 5km south-west of Aviemore and 15km north-east of Kingussie and will consist of a converted stand-alone steading on the Kinrara Estate.

2.0 Operating hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 13 September 2017 the Licensing Board received an application for the provisional grant of a premises licence from Stuart McMillan.

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

3.2 The application was publicised during the period 25 September until 16 October 2017 and confirmation that the site notice was displayed has been received.

3.3 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.

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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
 3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
 4. 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
 5. 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.
- 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) A provisional premises licence application has been received from the applicants, in respect of a gin distillery to be housed in a former farm steading at

Lynwilg, Aviemore. The premises have been visited by the LSO and seem suitable for the sale of alcohol as described within the operating plan.

(ii) The application has been accompanied by the necessary section 50 certificate in relation to planning and the appropriate fee has been received.

(iii) The necessary site notice has been displayed for 21 days and no objections at the time of writing this report have been received by the Licensing Board.

(iv) The application is for off sales only to callers at the distillery, and also to internet customers. Guided tours of the distillery may be given with gratuitous samples served to customers at no cost. The hours requested, are within those allowed for off sales within the Licensing (Scotland) Act 2005.

(v) From reviewing the submitted operating plan and conducting a site visit the LSO is of the opinion that there is no threat to 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

None considered necessary

7.3 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/614
Date: 17 October 2017
Author: Marjory Bain