

## The Highland Licensing Board

Meeting – 15 May 2018

Agenda Item	7.4
Report No	HLB/042/18

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

Newblack Croft, Smerral, Latheron

### 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 Newblack Croft, Smerral, Latheron.

#### 1.0 Description of premises

1.1 The ice and fire distillery will be run from a designated area within Newblack Croft, which is a domestic dwelling, in order to facilitate online sales. The house is situated in a rural area with no immediate neighbours.

#### 2.0 Operating hours

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

**Off sales:**

Monday to Sunday: 1000 hrs to 2200 hrs

#### 3.0 Background

3.1 On 28 March 2018 the Licensing Board received an application for the provisional grant of a premises licence from Rookums Ltd.

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 6 April to 27 April 2018 and confirmation that the site notice was displayed has been received.

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 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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](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.

4.2 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.

4.3 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.

4.4 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:-

The applicant has obtained permission to operate a small gin distillery within a room of their dwelling-house situated on 6.5 acres of croft land.

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 may provide a delivery service for local clients and other orders will be despatched by post or other carrier.

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.

The applicant has provided an acceptable statement detailing their policy for local deliveries and a method of operation for fulfilment of internet sales.

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 apply to this application.

### 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 and agree to the proposed special conditions detailed at para 7.3 above.

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/1856

Date: 1 May 2018

Author: G Sutherland