

## The Highland Licensing Board

Meeting – 7 August 2018

Agenda Item	8.1
Report No	HLB/083/18

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

Inshriach Distilling Ltd, No. 2 Inshriach Farm Cottages, Inshriach, Aviemore, PH22 1QP

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 Inshriach Distilling Ltd, No. 2 Inshriach Farm Cottages, Inshriach, Aviemore, PH22 1QP

### 1.0 Description of premises

1.1 Inshriach Distilling Ltd is situated near Aviemore and consists of a semi-detached farm cottage within the grounds of Inshriach House and Estate. The cellar of the cottage is used as a store room from which internet sales of gin distilled on the Estate are despatched.

### 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 30 May 2018 the Licensing Board received an application for the grant of a premises licence from Inshriach Distilling Ltd.

3.2 The application was publicised during the period 11 June until 2 July 2018 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](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 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.

4.3 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:-

(i) Application has been made from the applicant to service off sales by way of internet orders and other off sales orders, from the office of the Inshriach Distilling Ltd., situated within a residential cottage at No 2 Inshriach Farm Cottages, Inshriach, Aviemore. The premises have been inspected by the LSO and are suitable for the sale of alcohol as described within the operating plan.

(ii) This is very much a small cottage industry and the capacity of the premises is far below the 40 square metres supported by the Highland Licensing Board for considering the question of overprovision.

(iii) The necessary section 50 certificates in respect of planning, building standards and food hygiene have accompanied the application.

(iv) The Licensing Standards Officer is satisfied that the operating plan meets the requirements of the licensing objectives.

(v) The applicant has conducted sales of alcohol previously under the authority of occasional licences without issue.

(vi) No objections or representations have been received during the consultation period of this application.

## **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 recommended.

### 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/624

Date: 23 July 2018

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