

The Highland Licensing Board

Meeting – 1 October 2019

Agenda Item	9.3
Report No	HLB/087/19

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

Caralan, Carr Road, Carrbridge, PH23 3AD

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 Caralan, Carr Road, Carrbridge, PH23 3AD.

1.0 Description of premises

1.1 The Caralan is situated in Carrbridge and consists of large Victorian House in its own grounds.

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 2 August 2019 the Licensing Board received an application for the provisional grant of a premises licence from Cairngorm Gin Company Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning, together with a Disabled Access Statement.

3.2 The application was publicised during the period 12 August until 2 September 2019 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 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 received for the grant of a premises licence for a micro distillery within a large Victorian House, Caralan, Carr Road, Carrbridge.

(ii) The application seeks to permit the sale of alcohol by way of phone and internet sales; in effect, the premises will be a small distribution centre and not a shop.

(iii) The application has been accompanied by section 50 certificates pertaining to Planning, Disability Access Statement and layout plans.

(iv) Hours of operation comply with the requirements of the Licensing (Scotland) Act 2005.

(v) Capacity is irrelevant as the premises form part of a site used for the manufacture of alcohol.

(vi) The LSO is of the opinion, that the application is entirely compliant with the licensing objectives.

(vii) Following the public consultation phase of this application process no objections or observations have been received.

6.0 HLB local policies

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 condition

All sales of alcohol will only be by way of postal, telephone or internet sales.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition 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/INBS/646
Date: 13 September 2019
Author: Marjory Bain