

**The Highland Licensing Board**

**Meeting – 12 May 2020**

Agenda Item	<b>5.9</b>
Report No	<b>HLB/024/20</b>

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

**West Highland Breweries Ltd, t/a Glen Spean Brewing Company, Tirindrish Steading, Spean Bridge, PH34 4EU**

**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 West Highland Breweries Ltd, t/a Glen Spean Brewing Company, Tirindrish Steading, Spean Bridge, PH34 4EU.

**1.0 Description of premises**

1.1 The Glen Spean Brewing Company is a small brewery situated in converted steading buildings, located on the edge of Spean Bridge village. The premises is attached to a residential property owned by one of the brewery owner-directors.

The Brewing Company propose to provide off-sales direct to the public through online/telephone sales and deliver directly to customers from an on site storage facility. Members of the public may also receive purchases from a small off-sale shop which shall offer a collection point at the door of the premises. The public will not however be permitted to enter the inside of the brewery buildings.

On site parking facilities, including a disabled parking space, are available.

**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 9 March 2020 the Licensing Board received an application for the grant of a premises licence from West Highland Breweries Limited.

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

- 3.2 The application was publicised during the period 16 March 2020 until 6 April 2020 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. The local Community Council were not constituted at the time of application therefore no consultation took place.
- 3.5 Further to this publication and consultation process, no timeous objections or representations have been received however a response from the Fire Authority has not been received to date.
- 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:-

- Glenspean Brewery has been operational for a period of time already selling solely to businesses from their premises.
  
- The next stage of their business growth is to sell their craft ale products to the general public. In the main this will be by way of online ordering, telephone or postal sales. There is also facility at their premises for a small off sales shop to sell directly to members of the public who pass by.
  
- The display area is well within the 40 square metre threshold for considering the issue of over provision as detailed in the current Highland Licensing Board policy statement.
  
- The premises appear suitable for the sale of alcohol as described within the operating plan submitted with the application.
  
- Section 50 certificates relating to Planning, Building Standards and Food Hygiene have been submitted as has a Disabled Access Statement. Layout Plans of acceptable quality have been lodged.

- Hours requested comply with off sales hours prescribed by the Licensing (Scotland) Act 2005.
- Having overviewed the application, the Licensing Standards Officer is confident it complies with all 5 licensing objectives.

## **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 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/RSL/L/1944  
Date: 16 April 2020  
Author: IC/JT