

## The Highland Licensing Board

Meeting – 27 October 2020

Agenda Item	6.1
Report No	HLB/070/20

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

**Arisaig Gin Distillery, Creag Mhor Croft, 1 Kinloid, Arisaig, PH39 4NS**

#### 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 Arisaig Gin Distillery, Creag Mhor Croft, 1 Kinloid, Arisaig, PH39 4NS.

#### 1.0 Description of premises

1.1 The Arisaig Gin Distillery is situated on Creag Mhor Croft within the west coast village of Arisaig. The premises comprise of a six berth static caravan utilised to provide office space, stockroom and a shop. The craft gin distillery is located adjacent to the caravan.

#### 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 21 July 2020 the Licensing Board received an application for the provisional grant of a premises licence from Arisaig Gin 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 31 July 2020 until 21 August 2020 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 have been received however the following representations have been received from the local authority:-

- Building Standards have advised, whilst they have no objection to the provisional application being granted, the wastewater disposal system from the premises requires either a warrant to be submitted or an application for a letter of comfort made. The applicant is currently liaising with Building Standards in this regard with a view to obtaining the necessary Section 50 Certification to support a full premises licence.
- Environmental Health have advised, following a delay due to the Covid 19 situation, the premises have now been visited and it has been identified that the private water supply system requires to be upgraded and then retested. The applicant is currently addressing this issue with a view to obtaining the necessary Section 50 Certification to support a full premises licence.

Section 50 Certificates from Building Standards and Environmental Health are not a prerequisite at the provisional licence application stage.

3.6 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant, Building Standards and Environmental Health have been invited to either submit a written representation to state their case and/or attend the virtual Board meeting.

#### **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:-

- Arisaig Gin Distillery, Creag Mhor Croft, 1 Kinloid, Arisaig, Inverness shire, PH39 4NS have applied for a provisional premises licence to sell artisan gin distilled on their site at the given address.
- The application has been submitted complete with Section 50 certificate relating to Planning, Disabled Access Statement and a competent set of lay out plans.
- The hours applied for within the application comply with the maximum off sales hours afforded by the Licensing (Scotland) Act 2005.
- The premises comprise of a residential caravan utilised to provide office accommodation and stockroom facilities. Small batches of gin are produced in an adjacent building housing, the pot still. In essence this is a craft business operated on a small scale. Gin is sold in response to telephone, postal and internet orders and also to customers calling by arrangement at the office. There is no actual gin display for customers to select a product. Advertising is through a website and any gin is resourced from the stockroom part of the premises.
- The premises have operated successfully under several occasional licences and no adverse issues have arisen.

- Appropriate age verification measures are operated by the applicant.
- The Licensing Standards Officer is satisfied having gone over the operating plan with the applicant that the requirements of the 5 licensing objectives are fully met.
- Following the public consultation part of the application process, no objections have been received by the Board.
- Officers from Building Standards and Environmental Health have lodged representations and the applicant is working to address these outstanding matters with a view to obtaining Section 50 Certificates to support a full premises licence in due course.

## **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/1952  
Date: 6 October 2020  
Author: Ian Cox/Julie Traynor