

The Highland Licensing Board

Meeting – 9 August 2022

Agenda Item	7.3
Report No	HLB/069/22

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

Broadford Distillery, Ford Road, Broadford, Isle of Skye, IV49 9AB

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 Broadford Distillery, Ford Road, Broadford, Isle of Skye, IV49 9AB.

1.0 Description of premises

1.1 The Broadford Distillery is situated in the village of Broadford and consists of a retail unit comprising of part of the ground floor of a single storey building. Specialist alcohol shop with off sales inclusive of deliveries with tutored tastings on request. On sales available in an outside area.

2.0 Operating hours

2.1 The applicant seeks the following **on sale** hours:

On sales:

Monday to Sunday: 1000 hours to 2300 hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 13 June 2022 the Licensing Board received an application for the provisional grant of a premises licence from Isle of Skye Experimental Spirits Ltd.

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

- 3.2 The application was publicised during the period 22 June 2022 until 13 July 2022 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, the following timeous notice of objection has been received and is appended:

Objection dated 23 June 2022 from Chris Hallas, Planning and Environment, The Highland Council (**Appendix 1**).

- 3.6 The applicant and the objector have been invited to attend the hearing. They have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

https://www.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) Broadford Distillery is a new business which is based upon the sale of alcohol as a specialist off sales shop with designated tasting area for organised tasting sessions. This application also includes a designated outdoor area which will be for on sales.
- (ii) The business is to be based in a building which is single storey.
- (iii) The premises are situated in the village of Broadford Isle of Skye.
- (iv) The core hours applied for are within the policy of the Highland Licensing Board.
- (v) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (vi) The children's policy is appropriate for the use of the premises.
- (vii) The layout plan submitted complies with the required specifications.
- (viii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives
- (ix) During the period of consultation, an objection was received from Highland Council Planning Dept in relation to the appropriate Planning conditions not being in place for the outdoor on Sales area. This will be dealt with separately by Planning Dept.
- (x) I have no objection to this application.

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

Should the Board grant the application as applied for, the Board may wish to consider attaching the following conditions from the schedule of local conditions:

- (g) Alcohol may be sold prior to 1100 hours for consumption on the premises only during a formal or tutored tasting session and only to customers taking part in such tasting sessions.
- (m) After 2300 hours alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area.

7.3 Special conditions

No special conditions are considered necessary.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para. 7.2 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/RSL/2016

Date: 18 July 2022

Author: Carol Nicolson

Appendix: Appendix 1 – objection dated 23 June 2022 from Chris Hallas,
Planning and Environment

Appendix 1

From: [Chris Hallas \(Planning and Environment\)](#)
To: [Carol Nicolson \(Corporate Governance\)](#)
Subject: RE: Application for provisional grant of premises licence - Broadford Distillery
Date: 23 June 2022 17:08:05

Hi Carol

The planning authority issued a section 50 for the use of the building as a retail unit for the sale of alcohol. We have no objection to the use of the building. However, the applicant needs to be aware that the outdoor seating area requires a change of use of the land. Based on this fact the planning authority objects to the granting of this license unless the outdoor seating area is removed or not included unless planning permission is granted.

Kind Regards
Chris
