

The Highland Licensing Board

Meeting – 9 August 2022

Agenda Item	8.5
Report No	HLB/074/22

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

Isle of Raasay Distillery (Shop, Visitor Centre and Accommodation), Isle of Raasay, Kyle, IV40 8PB

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by R&B Distillers Limited per Macdonald Licensing.

1.0 Description of premises

1.1 The premises consist of the visitor centre, part of the Isle of Raasay Distillery, in which is located a retail area, a public area consisting of tasting rooms, reception and other ancillary rooms for tours and visits and rooms for residents and their guests and a residents lounge. There is also a kitchen and ancillary offices.

2.0 Summary of variation application

2.1 Variation sought

The applicant seeks to vary the premises licence as follows:-

- (1) To reflect changes to the layout of the premises. An additional area is now included within the building, in which is located the Tastings Experience as shown on the amended layout plan;
- (2) The alcohol display area is increased to 40 m² (currently 14.2 m²);
- (3) To increase the on sales capacity to 200 following the introduction of an increased cafe area and other alterations (currently 85);
- (4) There is a larger outside area, reflecting where customers would sometimes wish to take their drinks, which could include alcohol, to sit out in better weather;
- (5) To update the access for children and young persons to public areas.

3.0 Background

- 3.1 On 15 June 2022 the Licensing Board received an application for a major variation of a premises licence from R&B Distillers Ltd per Macdonald Licensing.
- 3.2 The application was publicised during the period 20 June 2022 until 11 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, 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:

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 may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
 2. having regard to (i) the nature of the activities carried on or 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 in accordance with the proposed variation;
 3. 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 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

4.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

5.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) The property known as Isle of Raasay Distillery is an established distillery visitor centre, shop and accommodation located in a rural location on the Isle of Raasay, By Kyle.
- (ii) The premises have operated for a number of years with no adverse comment and are undergoing renovation and extension. This application is to increase the licensed area of the premises, the range of activities within the premises and increase the capacity for both on and off sales. The specifics of what is applied for are detailed elsewhere in this report.
- (iii) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (iv) The Children's and Young Persons policy is appropriate.
- (v) The layout plan submitted complies with the required specifications.
- (vi) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (vii) During the period of public consultation, no objections were received.
- (viii) 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

The existing local condition will continue to apply and it is recommended that the following additional local condition be attached:

- (m) After 2200 hours alcoholic or non-alcoholic drinks shall not be consumed outdoor area.

7.3 Special conditions

The existing special conditions will continue to apply and no further 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 condition 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/1835
Date: 15 July 2022
Author: Carol Nicolson