

The Highland Licensing Board

Meeting – 13 May 2025

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| Agenda Item | 8.2 |
| Report No | HLB/41/25 |

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

The Carnegie Whisky Cellars, The Carnegie Courthouse, Castle Street, Dornoch

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by The Carnegie Whisky Cellars Ltd.

1.0 Description of premises

1.1 The premises are a dedicated whisky shop selling both spirits and some speciality beers, together with a small range of accompanying but non-alcoholic goods. The business will also include tasting sessions in a specifically designed tasting room which will be chargeable. There is no bar counter on the premises. The premises known as The Carnegie Whisky Cellars is located on the ground floor of the Carnegie Courthouse.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Amend description of premises.
- (2) Amend and add to other activities.

3.0 Background

- 3.1 On 19 March 2025 the Licensing Board received an application for a major variation of a premises licence from The Carnegie Whisky Cellars Ltd.
- 3.2 The application was publicised during the period 24 March to 14 April 2025 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/downloads/file/6399/licensing_hearings_procedure/licensing_board

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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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

5.1 The LSO has provided the following comments:-

- (i) The property known as The Carnegie Whisky Cellar is a specialist alcohol shop which is located within the Dornoch Courthouse building on the Square Dornoch, Sutherland.
- (ii) This application is to amend the description of the premises and to add wine and any other alcohol to offerings for off sales as well as for on sales by way of organised tasting sessions with the designated separate room. The variation also seeks to add the practice of off sales by telephone and online ordering, with appropriate delivery policies in place.
- (iii) The premises have operated for many years without adverse comment.
- (iv) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- (v) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- (vi) During the period of public consultation, no objections were received.
- (vii) 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 2023-28
- (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.

Special Conditions

Existing special conditions will continue to apply.

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/CSR/1798

Date: 16 April 2025

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005/Application Form.