

The Highland Licensing Board

Meeting – 17 June 2014

Agenda Item	9.3
Report No	HLB/077/14

Application for the grant of a Provisional Premises Licence under the Licensing (Scotland) Act 2005

Dunnet Bay Distillers Ltd, Dunnet, Thurso

Report by the Clerk of the Licensing Board

Summary

This Report relates to an application for the grant of a Provisional Premises Licence in respect of Dunnet Bay Distillers Ltd, Dunnet, Thurso.

1.0 Background

- 1.1 The distillery building is situated within the village of Dunnet. It is a stand-alone building divided into a distillery/production area and a shop/office area.
- 1.2 On 1 May 2014 the Licensing Board received an application for the grant of a Provisional Premises Licence from Dunnet Bay Distillers Ltd.

The application was accompanied by the necessary Section 50 Certification in terms of Planning.
- 1.3 The application was publicised during the period 9 to 30 May 2014. I am awaiting confirmation that the site notice has been displayed.
- 1.4 In accordance with standard procedure, Police Scotland, Scottish Fire and Rescue Service, the Council's Environmental Health, Planning and Building Standards Sections were consulted on the application.
- 1.5 Notification of the application was also sent to NHS Highland and to the local Community Council.
- 1.6 No objections or representations have been received in respect of the application.

2.0 Legislation

2.1 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 premises are excluded premises;
2. the grant of the application will be inconsistent with one or more of the licensing objectives; 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, if the Board considers the premises are unsuitable for the sale of alcohol.
3. having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be over provision of licensed premises of that description in the locality.

2.2 The Board has power where, if they would refuse the application as made, but if a modification is proposed by them and accepted by the applicant, the application can be granted as modified.

3.0 Summary of Application

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

Monday to Wednesday	From 1100 hrs to 2200 hrs
Thursday to Saturday	From 1100 hrs to 2300 hrs
Sunday	From 1100 hrs to 2200 hrs

The applicant seeks the following **off-sales** hours:-

Monday to Sunday	From 100 hrs to 2200 hrs
------------------	--------------------------

4.0 Policies

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement
- (iii) The Highland Licensing Board combined Equality Strategy
- (iv) Schedule of Local Conditions

5.0 Licensing Standards Officer

The LSO has provided the following comments:-

- 5.1 The applicant has constructed a small gin distillery in the village of Dunnet and wishes to operate an associated visitor centre, shop and a small outdoor drinking area offering tastings and sales of various products, including gin-based cocktails, by on and off-sales.
- 5.2 The application is for both on and off-sales. There is no bar counter on the premises and off-sales will be dispensed from the display area in which there is a capacity of 10m² of alcohol.
- 5.3 The proposed alcohol capacity of 10m² falls below the threshold of 40 m² in terms of the Highland Licensing Board overprovision policy statement.
- 5.4 The licensed hours applied for are within policy for both on and off-sales premises and the activities or services to be provided are appropriate for the specified operation. It is not considered necessary to recommend any condition restricting use of the outdoor drinking area.

6.0 Conditions

6.1 Mandatory Conditions

If the application is approved the Mandatory Conditions set out in Schedule 3 of the Act will apply.

6.2 Local Conditions

None to apply

Recommendation

The Board is invited to determine the above.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/1705

Date: 2 June 2014

Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005