

## The Highland Licensing Board

Meeting – 9 August 2016

Agenda Item	6.4
Report No	HLB/061/16

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

Loch Ness Spirits, Athbhinn, Dores, Inverness, IV2 6TU

#### Report by the Clerk to the Licensing Board

##### Summary

This Report relates to an application for the grant of a premises licence in respect of Loch Ness Spirits Limited, Athbhinn, Dores, Inverness, IV2 6TU.

#### 1.0 Description of Premises

1.1 The Loch Ness Spirits Limited is situated near Dores, Inverness and consists of a private detached dwelling house with detached garage and small flat above it. It sits in a large area of private land, which is fenced off and has a private driveway with ample parking.

#### 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 24 May 2016 the Licensing Board received an application for the grant of a premises licence from Loch Ness Spirits Limited.

The application was accompanied by the necessary section 50 certification in terms of planning, building standards and food hygiene.

3.2 The application was publicised during the period 6 June until 27 June 2016 and confirmation that the site notice was displayed has been received.

3.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and 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:

[http://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **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 grant of the application would be inconsistent with one or more of the licensing objectives;
  3. 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
  4. that 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 overprovision of licensed premises of that description in the locality.
- 4.2 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) A new premises licence application has been submitted by the applicants who are a husband and wife team, who seek to set up an artisan gin distilling business in the Dores area of Inverness-shire and, in order to resource sales by way of internet and telephone enquiries, they seek to licence a room of their own dwelling at the stated address.

(ii) It is envisaged that the majority of sales will be by telephone and internet. However, occasional personal collections may be made from time to time but the premises will not trade as a shop and will certainly not be advertised as such.

(iii) The necessary section 50 certificates have been submitted in respect of Planning, Building Standards and Environmental Health.

(iv) Layout plans of a competent standard have also been submitted.

(v) From the operating plan submitted the LSO is confident that there would be no threat to the licensing objectives should the Board be minded to grant this application.

## **6.0 HLB local policies**

### **6.1 The following policies are relevant to the application:-**

- (1) Highland Licensing Board Policy Statement 2013-18
- (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 condition(s) from the schedule of 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/INBS/597

Date: 5 July 2016

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