

The Highland Licensing Board

Meeting – 28 March 2017

Agenda Item	10.2
Report No	HLB/037/17

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

Praban Na Linne Ltd, Eilean Iarmain, Isle of Skye, IV43 8QR

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Praban Na Linne Ltd.

1.0 Description of premises

1.1 The premises operate as a whisky shop. The shop is located in the same building as the company's head office. It is a small retail outlet in a rural location.

2.0 Current operating hours

2.1 The premises currently enjoys the following operating hours:

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Summary of variation application

3.1 Variation sought

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

- (1) Add on sales during operating hours of 1000 hours to 2200 hours daily.
- (2) To other activities and services add "on sales of alcohol is restricted to paid-for tastings and samplings only".
- (3) Add terms of entry for children and young persons as a consequence of on sales being permitted on the premises.

4.0 Background

4.1 On 14 February 2017 the Licensing Board received an application for a major variation of a Premises Licence from Praban Na Linne Ltd.

- 4.2 The application was publicised during the period 16 February 2017 until 9 March 2017 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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://highland.gov.uk/hlb_hearings

5.0 Legislation

- 5.1 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. having regard to the number and capacity of licensed premises of the same or similar description as the subject premises (taking account of the proposed variation) in the locality in which the subject premises are situated, 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 that description in the locality.
- 5.2 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.

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.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) The premises operate as a whisky shop but also selling a small range of souvenirs and mementoes. The applicant now seeks to offer tasting and sampling sessions on the premises and, as a charge may be made, requires authority to sell alcohol by on sales.
- (ii) Policy core hours for on sales commence at 1100 hours daily however, in addition to allowing an earlier commencement time for on sales on food led premises, the Board has granted 1000 hours commencement at some distilleries to satisfy the demand for paid-for tastings and samplings and to tie in with the commencement time for off sales.
- (iii) There is no bar counter on the premises and children and young persons must be accompanied by a suitable, appropriate adult at all times
- (iv) The premises cater mainly for tourists and on sales of alcohol will be limited. I do not believe that permitting opening for on sales at 1000 hours will have any adverse effect of the licensing objectives and I have no cause to object to the grant of the application subject to the under-noted special condition.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

8.0 Conditions

8.1 Mandatory conditions

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

8.2 Local conditions

There are no existing local conditions and it is not considered necessary to attach any.

8.3 Special conditions

The Board may wish to consider attaching the following special condition:

- (1) Alcohol for consumption on the premises may only be sold to persons participating in a tasting or sampling session.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition detailed at para. 8.3 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/0821

Date: 10 March 2017

Author: Carol Nicolson

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