

The Highland Licensing Board

Meeting – 9 June 2017

Agenda Item	10.2
Report No	HLB/056/17

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

Drimnin Distillery, Drimnin, by Lochaline, PA80 5XZ

Report by the Clerk to the Licensing Board

Summary

This Report relates to an application for the provisional grant of a premises licence in respect of Drimnin Distillery, Drimnin, By Lochaline, PA80 5XZ.

1.0 Description of premises

1.1 The Drimnin Distillery, which is nearing completion, is a small rural artisan distillery situated on the Drimnin Estate on the Morvern Peninsula overlooking the Sound of Mull.

The licensed premises will consist of a tasting room with a bar counter and off-sales display area and a visitors room offering cafeteria services where alcohol will be available for purchase both on and off the premises. There will be outdoor drinking facilities located within the courtyard area of the premises.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hours to 1800 hours

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

Off sales:

Monday to Sunday: 1000 hours to 1800 hours

3.0 Background

3.1 On 28 March 2017 the Licensing Board received an application for the provisional grant of a premises licence from Drimnin Distillery Limited, Drimnin House, Drimnin, Lochaline, PA80 5XZ.

The application was accompanied by the necessary section 50 certification in terms of Planning. (Section 50 certificates in terms of Food Hygiene and Building Standards do not require to be submitted in respect of a provisional application).

- 3.2 The application was publicised during the period 8 May 2017 until 29 May 2017 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:

http://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 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 provisional premises licence application has been received from the applicant to establish an artisan whisky distillery within detached premises on the Drimnin Estate, Morven. The premises will comprise a tasting room with bar counter and a visitor centre with cafeteria. Alcohol sales will be by way of on and off sales.
- (ii) The premises appear to be suitable for the sale of alcohol as is described within the operating plan.
- (iii) The application has been accompanied by the section 50 certificate in respect of Planning.
- (iv) The hours of operation requested are within the policy hours currently operated by the Highland Licensing Board.
- (v) The operating plan as submitted appears to be compliant with the 5 licensing objectives.
- (vi) Application is made to open for trade from 1000 hours. Within the cafeteria a food menu will operate throughout opening hours and as such, persons taking table meals may avail themselves of alcohol provision in accordance with current Board policy. The operating day is under the 14 hour threshold within the Board's policy for early opening.

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 conditions from the schedule of local conditions:

- A Children under the age of 16 are excluded from any room where there is a bar counter after 2200 hours except during private functions or for the purpose of viewing live entertainment or where the child is in the room for the purpose of taking a meal. This condition does not apply to any child who is in the bar solely for the purpose of passing to or from some other part of the premises being a part to or from which there is no other convenient means of access or egress
- B Whilst in any room with a bar counter all children must be in the company of, or supervised by an appropriate responsible adult. This condition does not apply to children of the licence holder or children who are resident on the premises..
- C Notwithstanding conditions (a) and (b) children must not sit or remain at the bar counter at any time.

7.3 Special conditions

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

- (i) Any alcohol sold for consumption on the premises prior to 1100 hours must be an accompaniment to a meal provided on the premises. (Licensing objective 4 - public health).

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local and special conditions detailed at paras. 7.2 and 7.3 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/1822

Date: 30 May 2017

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