

## The Highland Licensing Board

Meeting – 3 October 2017

Agenda Item	8.2
Report No	HLB/104/17

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

Isle of Raasay Distillery, Isle of Raasay, Kyle, IV40 8PB

#### 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 Isle of Raasay Distillery, Isle of Raasay, Kyle, IV40 8PB.

#### 1.0 Description of premises

1.1 The premises consist of the visitors centre, part of the new distillery, in which is located a retail area, a public area consisting of tasting rooms, reception and other ancillary rooms for tours and visits and rooms for members and their guests and a members lounge. There is also a kitchen and ancillary offices.

#### 2.0 Operating hours

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

**On sales:**

Monday to Sunday: 1100 hours to 2400 hours

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

**Off sales:**

Monday to Sunday: 1100 hours to 2200 hours

#### 3.0 Background

3.1 On 2 August 2017 the Licensing Board received an application for the provisional grant of a premises licence from R&B Distillers Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning.

- 3.2 The application was publicised during the period 25 August 2017 until 15 September 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](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 Board considers, having regard to the licensing objectives, that the applicant is not a fit and proper person to be the holder of a premises licence;
3. that the grant of the application would be inconsistent with one or more of the licensing objectives;
4. 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

5. 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.

4.2 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) The applicant is constructing a distillery with associated shop, visitor centre and members' club on Raasay. The part of the premises dedicated to the club area is not a separate entity and no part of the premises is treated as a members' club in terms of the Licensing (Scotland) Act 2005
- (ii) The application is for on and off sales. Some on sales will be linked to sampling and tasting of distillery products within the shop and visitor centre however there is residential and lounge accommodation on the premises for club members and on sales will be available to them through the course of normal business.
- (iii) The applicant has yet to finalise plans showing the location and dimensions of areas set aside for the sale and display of off-sales and has stated that the capacity for off-sales will not exceed 40m<sup>2</sup> and not conflict with the Board's overprovision policy for off-sales. It is expected that the applicant will submit an application for a minor variation reducing that capacity and amending the layout plan to show the location of the off-sales area prior to confirmation of the provisional licence.
- (iv) There are no formal bar counters on the premises. Children and young persons may be permitted on the premises but they must be accompanied by an adult
- (v) The activities and services to be provided are reasonable and appropriate for this type of business and the hours applied for are within Board policy.
- (vi) I am satisfied that the applicant has given due regard to the licensing objectives and I have no cause to object to the grant of this provisional licence.

## **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 from the schedule of local conditions:

- q. The licence holder shall submit to the Board and to Police Scotland, prior to 1 December each year, notice of the dates within the festive period on which it is intended that the premises remain open until the festive period terminal hour stated for that category of premises in the Board's Policy Statement. The Premises may remain open until the festive period terminal hour only on those dates for which notice has been given by the licence holder to the Board and to Police Scotland in accordance with this condition.

### **7.3 Special conditions**

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

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 0100 hours (on any day when the premises are open at that time) until whichever is the earlier of-
  - (a) the time at which the premises next close; and
  - (b) 0500 hours; and
2. A designated person who is the holder of a personal licence must be present on the premises from 0100 hours (on any day on which the premises are open at that time) until whichever is the earlier of-
  - (a) the time at which the premises next close; and
  - (b) 0500 hours.

**Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local/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/1835

Date: 18 September 2017

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