

The Highland Licensing Board

Meeting – 3 October 2017

Agenda Item	9.2
Report No	HLB/109/17

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

Loch Ness Spirits Limited, Athbinn, Dores, Inverness, IV2 6TU

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by Loch Ness Spirits Limited, Athbinn, Dores, Inverness, IV2 6TU.

1.0 Description of premises

1.1 Self-contained office with separate entrance on the ground floor of a private dwelling house close to the village of Dores.

2.0 Summary of variation application

2.1 Variation sought

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

(1) Off-sales of alcohol will ordinarily be fulfilled from orders originating from off the premises. From time to time members of the public may be on the premises, at which time free samples and tasting sessions may be provided.

(2) Option for local delivery of alcohol will be given to customers, in accordance with a method of operation agreed with the LSO.

(3) Alteration to layout to form new licensed area and remove exiting licensed area from the plans. No change in capacity.

(4) Change to description of the premises to read: 'Self-contained office with separate entrance on the ground floor of private dwelling house.'

3.0 Background

3.1 On 18 August 2017 the Licensing Board received an application for a major variation of a premises licence from Loch Ness Spirits Limited.

3.2 The application was publicised during the period 24 August until 14 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

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 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. 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 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

(i) A major variation application has been submitted by the operators of these premises.

(ii) In effect the office of the business which is a boutique gin distillery has moved location into the operator's dwelling house. The display area for sales both to callers and internet customers has moved into this location, but remains the same in terms of capacity.

(iii) Slight adjustment to the operating plan at section 5(f) has been made to include text relating to delivery of alcohol, and also the provision of samples of the gin to customers for gratuitous tastings.

(iv) The description of the premises has been revised in order to accurately reflect the latest changes. Revised layout plans have also been submitted.

(v) The premises have been visited by the LSO and the proposed variation would appear to offer not compromise to the licensing objectives.

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

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

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: 15 September 2017

Author: Marjory Bain

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