

**The Highland Licensing Board**

**Meeting – 6 February 2018**

Agenda Item	<b>8.3</b>
Report No	<b>HLB/012/18</b>

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

**Dunnet Bay Distillery, Dunnet**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Dunnet Bay Distillers Ltd, Ribbon House, Dunnet.

**1.0 Description of premises**

1.1 The premises operate as a gin distillery with a small shop/tasting area in the village of Dunnet. It was granted a premises licence on 11 August 2014.

**2.0 Summary of variation application**

**2.1 Variation sought**

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

- (1) amend licensed area to include former steading converted for use as a retail unit, cafe/events/exhibitions area
- (2) amend description of premises to take account of this variation
- (3) add to list of activities provided during core hours - restaurant facilities, live performances and films
- (4) add to list of activities outwith core hours - conference facilities, restaurant facilities, receptions, clubs, recorded music, live performances, films and outdoor drinking facilities
- (5) update list of other activities and detail circumstances when some activities and services may be available
- (6) update children and young persons terms of entry
- (7) reduce off-sales capacity from 10m<sup>2</sup> to 8.6m<sup>2</sup>

### **3.0 Background**

- 3.1 On 12 December 2017 the Licensing Board received an application for a major variation of a premises licence from Dunnet Bay Distillers Ltd.
- 3.2 The application was publicised during the period 29 December 2017 until 19 January 2018 and confirmation that the site notice was displayed is awaited.
- 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.
- 3.5 The Planning Service commented that planning permission was granted for the café and visitor centre with a condition that the opening times would be 1000 hrs to 1630 hrs daily. Whilst this is not a ground to refuse this variation application, the applicant was advised to apply to vary the planning permission to allow opening for the hours the premises licence would otherwise permit. The applicant has now lodged an application to amend the planning permission condition and this is currently being processed.
- 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 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 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

4.3 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.

4.4 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:-

The premises operate as a gin distillery with a small shop/tasting area and offers both on and off-sales. The licence was granted on 11 August 2014.

The premises currently have on-sales licensed hours Sunday to Wednesday commencing at 1100 hrs and terminating at 2200 hrs and, Thursday to Saturday, commencing at 1100 hrs and terminating at 2300 hrs. Off-sales hours commence at 1000 hrs and terminate at 2200 hrs daily.

The applicant now seeks to expand the business and to create a separate retail unit with café and event and exhibition space within a converted former steading which is now to be included within the licensed area along with an area identified for outdoor drinking.

The updated terms of entry for children and young persons requires that all children must be accompanied by an adult. There is no bar counter on the premises and it will not be necessary to impose any specific conditions in respect of children and young persons

The activities and services to be provided include conference and restaurant facilities and a range of activities appropriate for this type of business. There is no change to the existing licensed hours.

The proposed variations are reasonable and appropriate for this type of business. There is no apparent conflict with any of the licensing objectives and I have no cause to object to the grant of the variation.

## **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 with this application.

## **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/CSR/1705  
Date: 29 January 2017  
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