

The Highland Licensing Board

Meeting – 15 May 2018

Agenda Item	7.1
Report No	HLB/039/18

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

Speyside Distillery (The Snug), Unit 5, Aviemore Retail Park, Aviemore, PH22 1AF

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 Speyside Distillery (The Snug), Unit 5, Aviemore Retail Park, Aviemore, PH22 1AF.

1.0 Description of premises

1.1 The Speyside Distillery (The Snug) is situated within a retail park on the outskirts of Aviemore and consists of a gallery area, tasting room and off sales display.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hours to 2200 hours

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 19 February 2018 the Licensing Board received an application for the provisional grant of a premises licence from Speyside Distillers Company Ltd.

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

- 3.2 The application was publicised during the period 5 March until 26 March 2018 and confirmation that the site notice was displayed has been received.
- 3.3 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.
- 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 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 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 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) Application has been lodged by Speyside Distillers Company Ltd, to open a retail unit within a retail park in Aviemore. From the drawings/plans submitted the premises appears to be suitable for the sale of alcohol as described within the application.

(ii) The company own a small distillery at Kingussie and seek to compliment this with a retail outlet in Aviemore. The unit will comprise of a gallery area with tasting room, and will have an off sale display.

Alcohol maybe bought on the premises for consumption by way of tutored tastings and themed events, and also conventional off sales will be offered. The applicants are experienced operators in selling alcohol.

(iii) The necessary section 50 in respect of planning has accompanied the application.

(iv) The hours requested are within the policy hours of Highland Licensing Board.

(v) The alcohol display for off sales is well under the current threshold set by the Highland Licensing Board for consideration of the question, of overprovision.

(vi) The operating plan in the opinion of the LSO, is compliant with 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

None considered necessary.

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/619
Date: 28 March 2018
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