

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	8.2
Report No	HLB/058/18

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

Dun Brewing, Corrary Farm Glenelg, IV40 8JX

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a premises licence in respect of Dun Brewing, Corrary Farm, Glenelg, IV40 8JX.

1.0 Description of premises

1.1 The Dun Brewing is situated in Glenelg and consists of a single storey, open plan detached brewery comprising brewery area, customer area with a bar counter and an outdoor area which may be used for outdoor drinking and related activities.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 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 10 May 2018 the Licensing Board received an application for the grant of a premises licence from Neil Hammond and Amy E Floweree t/a Corrary Farm.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

3.2 The application was publicised during the period 14 May 2018 until 4 June 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) The applicant operates a micro brewery within a small, purpose-built, single-storey detached premises at Corrary Farm near Glenelg.
- (ii) The application is for on sales and off sales with the on sales element being principally but not exclusively for persons taking part in tastings and tours of the premises.
- (iii) Highland Licensing Board policy hours for on sales commence at 1100 hours daily and, for off sales, commence at 1000 hours daily. The applicant seeks a commencement hour of 1000 hours for on sales to tie in with the off sales hours so as to be able to service tours and visits which may commence prior to 1100 hours on any day. Any sale of alcohol for consumption on the premises prior to 1100 hours will only be made to persons taking part in an organised tasting session or tour of the premises.
- (iv) The premises are located near to popular archaeological sites and it is anticipated that some passing trade may call at the premises however, it is likely that most visitors will arrive by prior arrangement or booking.
- (v) While the on sales hours are outwith Board policy I am of the opinion that the applicant has demonstrated a reasonable reason for requiring the earlier commencement time. The premises will not be a destination such as a traditional public house and in these circumstances I believe that the earlier opening will not cause conflict with any licensing objective.
- (vi) The applicant intends to provide a venue suitable for small or private events and has identified an outside area which would be suitable for holding small events and functions. There are no nearby residential properties and it is not considered necessary to impose any restrictions on the use of the outdoor drinking area.

- (vii) There is a bar counter on the premises but no kitchen facilities. If catering is required in support of any event or function food will be brought onto the premises. Alcohol which is available for off sales will be displayed behind the counter with a capacity of 4.32m² which does not conflict with the Board's policy on overprovision in respect of off sales premises.
- (viii) The applicant also intends to make his products available for sale through an on-line platform and also to provide a delivery service in the local area.
- (ix) No unaccompanied children or young persons will be permitted on the premises.
- (x) I am satisfied that the services and activities to be provided on the premises are appropriate for this type of business. The applicant has given due consideration to the licensing objectives and I have no cause to object to the grant of the premises 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 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:

- (1) Prior to 1100 hours on any day alcohol for consumption on the premises may only be sold to persons participating in a tasting or sampling session or a tour of the premises.

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/1860
Date: 7 June 2018
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