

## The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.8
Report No	HLB/070/18

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

Isle of Raasay Distillery (Shop, Visitors Centre and Members Club), Isle of Raasay, Kyle, IV40 8PB

#### Report by the Clerk to the Licensing Board

##### Summary

This report relates to an application for a major variation of premises licence by R and B Distillers Limited, 23 Manor Place, Edinburgh, EH3 7DX.

#### 1.0 Description of premises

1.1 The premises consist of the visitors centre 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 Current operating hours

2.1 The premises currently enjoys the following operating hours:

##### On sales:

Monday to Sunday: 1100 hours to 2400 hours

##### Off sales:

Monday to Sunday: 1100 hours to 2200 hours

#### 3.0 Summary of variation application

##### 3.1 Variation sought

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

- (1) Change name of premises to Raasay Distillery (Shop, visitor centre and accommodation);
- (2) Amend on sales and off sales hours to commence at 1000 hours daily;

- (3) Amend premises description, other activities and the layout plan to substitute “residents” for “members”.

#### **4.0 Background**

- 4.1 On 16 April 2018 the Licensing Board received an application for a major variation of a premises licence from R and B Distillers Limited.
- 4.2 The application was publicised during the period 24 April 2018 until 15 May 2018 and confirmation that the site notice was displayed has been received.
- 4.3 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.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 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)

#### **5.0 Legislation**

- 5.1 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.

5.2 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.

5.3 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.

5.4 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

- (i) The applicant has carried out a review of their current operation as a distillery visitor attraction and now applies to amend the premises licence so as to allow on sales and off sales from 1000 hours and also to make some other amendments to terms specified within the operating and layout plans.
- (ii) Highland Licensing Board policy hours for on sales generally commence at 1100 hours on any day. Arising from increased demand for early visitors wishing to have tutored tasting sessions the applicant seeks to offer on sales from 1000 hours so as to be able to sell samples of the various whisky styles rather than offer only the “free” sample dram to persons taking a tour of the distillery. I am aware of an increase in tourism in, particularly, Skye and the presence of visitor attractions with early opening hours is popular with individual tourists and coach tour companies. Any alcohol for consumption on the premises prior to 1100 hours will only be sold to persons taking part on a tour of the distillery or taking part in a tutored tasting session. I am of the opinion that the earlier commencement hour for on sales will not conflict with any of the licensing objectives.
- (iii) I am satisfied that the applicant has given full consideration to the licensing objectives and I have no cause to object to the variation of the premises licence.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18
- (2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **8.2 Local conditions**

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

### **8.3 Special conditions**

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

- (1) Alcohol for consumption on the premises prior to 1100 hours on any day may only be sold to persons participating in a formal tasting or sampling session and a notice to that effect will be displayed on the premises.

#### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition detailed at para. 8.3 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: 7 June 2018  
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