

## The Highland Licensing Board

Meeting – 1 October 2019

Agenda Item	8.4
Report No	HLB/083/19

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

The Coach House, Balinroich, Fearn

#### 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 The Coach House, Balinroich, Fearn.

#### 1.0 Description of premises

1.1 The premises is a gin distillery and the business involves the sale of gin by mail order sales only and no sales will be made directly from the property. Stock will be held in a store within a detached building set in a rural location.

#### 2.0 Operating hours

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

##### Off sales:

Monday to Friday: 1000 hrs to 1700 hrs  
Saturday: 1000 hrs to 1200 hrs

#### 3.0 Background

3.1 On 29 May 2019 the Licensing Board received an application for the grant of a premises licence from Nautilus Gin Foundry Ltd.

3.2 The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene, together with a Disabled Access Statement.

3.3 The application was publicised during the period from 23 August to 13 September 2019 and confirmation that the site notice was displayed is awaited.

3.4 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.

- 3.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 3.6 Further to this publication and consultation process, no timeous objections or representations have been received.
- 3.7 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.

4.2 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.

4.3 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.

4.4 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:-

- a) The Coach House, Balinroich, Fearn, is a single storey building. It is divided into two parts with a production floor and a storage /despatch area. It is a stone building with a slate roof.
- b) It is situated in a very rural location with a few houses in close proximity, near to Fearn in Easter Ross.
- c) The applicant intends operating a small distillery and seeks a licence for off sales, with alcohol supplied solely by internet, postal and telephone orders and dispatched from the premises between Mondays and Saturdays only. There will be no “drive in trade” for the business and thus no display area.
- d) The hours applied for and shown on the operating plan are within policy with opening hours as 1000 hrs and terminal hour as 1700 hrs Mondays to Fridays and 1000 hrs to 1200 hrs on Saturdays, with no Off Sales on Sundays.
- e) In the opinion of the LSO if the Board were minded to grant this application there would be no adverse impact on the Licensing objectives.
- f) Following the public consultation phase of this application no objections or observations have been received.
- g) Special conditions are recommended as all sales of alcohol will be made solely in response to internet, postal and telephone orders. There will be no sales made directly to the public.

## **6.0 HLB local policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (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 to apply

### **7.3 Special conditions**

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

1. Alcohol for consumption off the premises to which this licence refers may only be sold and despatched pursuant to an order originating off the premises.
2. No member of the public seeking to buy alcohol on the premises or to collect alcohol from the premises is permitted on the premises to which this licence refers.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special conditions detailed at para 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/CSR/1919  
Date: 17 September 2019  
Author: G Sutherland