

The Highland Licensing Board

Meeting – 4 August 2020

Agenda Item	7.1
Report No	HLB/044/20

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

John O’Groats Brewery Visitor Experience, The Last House, John O’Groats

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the grant of a provisional premises licence in respect of John O’Groats Brewery Visitor Experience, The Last House, John O’Groats.

1.0 Description of premises

1.1 The premises known as “The Last House” is a single storey detached retail unit located in the village of John O’Groats. The premises comprise a traditional cottage style building that has been extensively refurbished, with a modern extension specifically designed for retail. The intention is to operate a tourist visitor centre at the premises. There will be a brewery at the property with an associated tour option and tasting room, bar and retail outlet.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1100 hrs to 2300 hrs

Off sales:

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 26 May 2020 the Licensing Board received an application for the provisional grant of a premises licence from John O’Groats Brewery Ltd.

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

- 3.3 The application was publicised during the period from 22 June to 13 July 2020 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 As a hearing cannot be held in person due to coronavirus, the Licensing Board, before reaching a decision, must give any person who would have been given the opportunity to be heard at the hearing the opportunity to be heard instead by alternative methods. Consequently, the applicant has been invited to submit a written representation to state their case.

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 property referred to is a single storey detached building located in the sparsely populated rural settlement of John O'Groats on the north coast of Caithness.
- b) The core hours applied for are within the policy of the Highland Licensing Board.
- c) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- d) The children's policy is considered suitable and is within the policy of the Highland Licensing Board.
- e) The layout plan submitted complies with the required specifications.
- f) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- g) During the period of consultation, no timeous objection was received in relation to this application.
- h) I have no objections to this application.

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

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:

- m. After 2200 hrs alcoholic or non-alcoholic drinks shall not be consumed in any outdoor drinking area
- n(ii). The playing of live or recorded music in any outdoor drinking area shall be restricted to between the hours of 1100 hrs and 2200 hrs.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local conditions detailed at para 7.2.

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/1946

Date: 21 July 2020

Author: G Sutherland