

The Highland Licensing Board

Meeting – 4 August 2020

Agenda Item	8.4
Report No	HLB/048/20

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

The End of the Line Distillery Company, Station Road, Kyle of Lochalsh, IV40 8AH

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for a major variation of premises licence by West Highland Distillers Limited, Fas, Sabhal Mor Ostaig, An Teanga, An t-Eilein Sgitheanach.

1.0 Description of premises

1.1 The premises is a single storey detached specialist alcohol shop with a fenced outdoor area situated in the village of Kyle of Lochalsh.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Change premises name to “End of the Line Distillery and Apothecary”;
- (2) Section 5(f) – any other activities - add – (i) off sales deliveries will be available; (ii) micro still for display purposes to be used to distil non-alcoholic oils and tinctures during opening hours. May be operational for rectification outwith opening hours subject to licences being granted by HMRC;
- (3) Reduce on sales capacity from 40 to 31;
- (4) Reduce off sales capacity from 20.7 m² to 19.3 m²;
- (5) Layout plan – the off sales display will change location.

3.0 Background

3.1 On 13 May 2020 the Licensing Board received an application for a major variation of a premises licence from West Highland Distillers Limited.

- 3.2 The application was publicised during the period 17 June 2020 until 8 July 2020 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 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.

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.

- 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 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.

4.4 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.

5.0 Licensing Standards Officer

5.1 The LSO has provided the following comments:-

- (i) The End of the Line Distillery Company is a single storey property situated in a mixed commercial and residential location at the south end of Kyle of Lochalsh, Wester Ross;
- (ii) The application is to vary the name and operation of the premises;
- (iii) The full description of the variation to the premises licence is included within the application;
- (iv) The core hours applied for are within the policy of the Highland Licensing Board;
- (v) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises;
- (vi) The layout plan submitted complies with the required specifications;
- (vii) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives;
- (viii) During the period of consultation, no timeous objections have been received;
- (ix) 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

Existing local conditions will continue to apply and no additional local conditions are 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/RSL/1887
Date: 9 July 2020
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