

## The Highland Licensing Board

Meeting – 11 May 2021

Agenda Item	8.7
Report No	HLB/039/21

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

West Highland Breweries Ltd t/a Glen Spean Brewing Co, Tirindrish Steading, Spean Bridge, PH34 4EJ

### 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 Breweries Ltd, Tirindrish Steading, Spean Bridge, PH34 4EJ.

#### 1.0 Description of premises

1.1 The Glen Spean Brewing Company is a small brewery situated in converted steading buildings, located on the edge of Spean Bridge village. The premises is attached to a residential property owned by one of the brewery owner-directors.

The Brewing Company provides off-sales direct to the public through online/telephone sales and delivers directly to customers from an on site storage facility. Members of the public currently may receive purchases from a small off-sale shop which offers a collection point at the door of the premises. The public are not however permitted to currently enter the inside of the brewery buildings.

On site parking facilities, including a disabled parking space, are available.

#### 2.0 Summary of variation application

##### 2.1 Variation sought

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

- Revision to layout plan, relocating current on-site sales area to a new dedicated sales area which forms part of the existing brewery buildings and which will allow up to 8 customers in the area at any time.
- Increase in off-sale display capacity from 1.5 square metres to 3.1 square metres.

### **3.0 Background**

- 3.1 On 17 March 2021 the Licensing Board received an application for a major variation of a premises licence from West Highland Breweries Ltd.
- 3.2 The application was publicised during the period 26 March to 16 April 2021 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. At the time of writing the local Community Council were in abeyance and were therefore not notified.
- 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:-

Glen Spean Brewing Company have held a premises licence for their premises at Spean Bridge since 9<sup>th</sup> March, 2020. The site has a craft ales brewery and associated retail area for selling direct to the public and also processing on line orders.

The premises have operated without adverse comment or issue. The LSO has spoken at length to the applicants and is confident in their ability to fulfil the requirements placed on them by the Licensing (Scotland) Act 2005.

Application has been made for a major variation which concerns the redevelopment of the sales area, to provide for both a better capacity and display of alcohol and also to accommodate more customers. The proposed display area is still well under the Board's threshold for considering the question of overprovision.

The LSO is of the opinion that should the Board see fit to grant this application that there will be no adverse effect on the 5 Licensing Objectives.

Following public consultation in respect of this application no objections or representations have been received by the Board.

Local Conditions- none recommended.

## **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**

No 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/1944  
Date: 19 April 2021  
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