

The Highland Licensing Board

Meeting – 22 June 2021

Agenda Item	9.3
Report No	HLB/051/21

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

North Point Distillery, Murkle House, Forss Business & Energy Park, Thurso

Report by the Clerk to the Licensing Board

Summary

This report relates to an application for the provisional grant of a premises licence in respect of North Point Distillery, Murkle House, Forss Business and Energy Park, Thurso.

1.0 Description of premises

1.1 The proposed premises will be a working distillery with retail shop selling alcohol and local produce, along with a tasting area within the still house.

2.0 Operating hours

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

On sales:

Monday to Sunday: 1000 hrs to 2200 hrs

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

Monday to Sunday: 1000 hrs to 2200 hrs

3.0 Background

3.1 On 8 April 2021 the Licensing Board received an application for the provisional grant of a premises licence from North Coast Distillers Ltd t/a North Point Distillery.

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 19 April to 10 May 2021 and confirmation that the site notice was displayed has been received.

- 3.4 In accordance with standard procedure, Police Scotland, the Scottish Fire & 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 On 15 April the Principal Building Standards Surveyor lodged an observation that public access was not permitted to the buildings at this site. The applicant has since lodged an application for building warrant to allow public access, but this application has not been determined yet. No further objections/representations were 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

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 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.

4.2 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 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 North Point Distillery is housed in a single storey, detached, building on the Forss Business Park, West of Thurso, Caithness.
- b) The premises will operate as a working Distillery with Tasting Area, for On Sales, and retail provision offering Off Sales of alcohol as well as local souvenirs and goods.
- c) This application for a provisional licence is to allow for the On Sale of alcohol to Guided Tour customers, as part of the whisky tour experience. This On Sale provision will be limited to a specific Tasting area.
- d) There will be Off Sales which is primarily to allow for the sale of alcohol from within the retail shop area.
- e) The hours applied for are within the policy of the Highland Licensing Board, and are appropriate for the premises.
- f) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- g) The layout plan submitted complies with the required specifications.
- h) The Children and Young Persons policy is suitable and considered within the Highland Licensing Board Policy
- i) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- j) During the period of consultation, no timeous objections have been received.
- k) I have no objection 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

None to apply.

Recommendation

The Board is invited to determine the above application and if minded to grant the 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/CSR/1972

Date: 8 June 2021

Author: G Sutherland

Background Papers: The Licensing (Scotland) Act 2005/Application Form.