

## The Highland Licensing Board

Meeting – 28 March 2023

Agenda Item	7.3
Report No	HLB/026/23

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

Cairngorm Gin Company, Unit 9/3, Achnagonalin Industrial Estate, Grantown on Spey, PH26 3TA

### 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 Cairngorm Gin Company, Unit 9/3, Achnagonalin Industrial Estate, Grantown on Spey, PH26 3TA

#### 1.0 Description of premises

1.1 The Cairngorm Gin Company is situated on the Achnagonalin Industrial Estate and consists of a production, storage and distribution area with a small shop.

#### 2.0 Operating hours

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

**Off sales:**

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 1 February 2023 the Licensing Board received an application for the grant of a premises licence from Cairngorm Gin Company Ltd.

The application was accompanied by a Disabled Access Statement

3.2 The application was publicised during the period 13 February until 6 March 2023 and confirmation that the site notice was displayed has been received.

3.3 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.

- 3.4 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 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:

[Highland Licensing Board - 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:-

(i) Cairngorm Gin are an established Speyside drinks producer, producing small batch craft gin. Formerly, they operated from the dwelling house of the business owner, Jack Smith, in Carrbridge. The business is now moving to a retail unit in an industrial estate on the outskirts of Grantown on Spey.

(ii) The necessary certificates relating to Planning, Building Control and Food Hygiene have been obtained. A Disabled Access Statement has also been submitted.

(iii) The hours of requested operation are within the policy hours of HLB. The operating plan submitted is in the view of the LSO compliant with the 5 licensing objectives.

(iv) The model of operation is that gin is distilled on the premises, stored and distributed to customers. There is a small shop to the front of the unit, selling off sales as well as hosting on occasion small customer groups for tutored tastings.

(v) It is the opinion of the LSO that should this application be granted there will be no adverse impact on the local community

(vi) Following the public consultation phase of this application no objections or representations have been received by HLB.

## **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 condition from the schedule of local conditions:

(g) Alcohol may be sold prior to 11.00 hours for consumption on the premises only during a formal or tutored tasting session and only to customers taking part in such tasting sessions.

## 7.3 Special conditions

No special conditions are considered necessary.

### **Recommendation**

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed local condition detailed at para. 7.2 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/INBS/683  
Date: 13 March 2023  
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