

The Highland Licensing Board

Meeting – 5 September 2023

Agenda Item	7.3
Report No	HLB/098/23

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

Dornoch Distillery Shop, Unit 3C, Station Square, Dornoch, IV25 3PG

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 Dornoch Distillery Shop, Unit 3C, Station Square, Dornoch, IV25 3PG.

1.0 Description of premises

1.1 The premises are a speciality whisky shop which aims to sell spirits, wine and some speciality beers, together with a range of accompanying but non-alcoholic goods. The business will include tasting sessions which will take place in the main part of the premises, and which will be chargeable. The premises will be closed to the public during any tasting sessions. There is no bar counter on the premises. The premises known as The Dornoch Distillery Shop is located in a semi-detached unit.

2.0 Operating hours

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

On sales:

Monday to Saturday: 1000 hours to 2200 hrs

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

Off sales:

Monday to Sunday: 1000 hours to 2200 hours

3.0 Background

3.1 On 24 July 2023 the Licensing Board received an application for the grant of a premises licence from Dornoch Distillery Company Limited.

The application was accompanied by the necessary section 50 certification in terms of Planning, Building Standards and Food Hygiene.

- 3.2 The application was publicised during the period 26 July 2023 until 16 August 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 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:-

- 1) Dornoch Distillery Shop is a new business, but which has operated without adverse comment for some months under Occasional Licences. It is based upon the sale, of alcohol as a specialist Whisky shop, with organised tasting sessions, when premises will be closed to general public. The premises and business run alongside the neighbouring distillery owned and run by same applicants.
- 2) The business is to be based in a building which is semidetached and situated in a small industrial/commercial park on outskirts of Dornoch, Sutherland.
- 3) The core hours applied for are within the policy of the Highland Licensing Board.
- 4) The activities sought would appear to be reasonable and appropriate for the proposed operation of the premises.
- 5) The children's policy is appropriate for the use of the premises.
- 6) The layout plan submitted complies with the required specifications.
- 7) There would not appear to be any matter contained within the application that is inconsistent with the licensing objectives.
- 8) During the period of consultation, no objections were received.
- 9) I have no objection to the 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

No local conditions are considered necessary.

7.3 Special conditions

The Board may wish to consider attaching the following special condition(s):

- 1) Alcohol may be sold prior to 1100hrs for consumption on the premises only during a formal or tutored tasting session and only to customers taking part in such tasting sessions.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the proposed special condition(s) detailed at para(s). 7.3 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/CSR/2077

Date: 17 August 2023

Author: L Gunn

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