

**The Highland Licensing Board**

**Meeting – 11 August 2015**

Agenda Item	<b>9.1</b>
Report No	<b>HLB/084/15</b>

**Application for a major variation of Premises Licence under the Licensing (Scotland) Act 2005**

**Clynelish Distillery, Brora, KW9 6LR**

**Report by the Clerk to the Licensing Board**

**Summary**

This Report relates to an application for a major variation of a Premises Licence by Diageo Scotland Limited.

**1.0 Description of Premises**

1.1 The premises are a temporary visitor centre/shop within a former staff shop in the grounds of a working distillery which is open for guided tours and tastings.

**2.0 Current Operating Hours**

**On Sales:**

Monday to Sunday                      1100 hrs to 1800 hrs

**Off Sales:**

Monday to Sunday                      1000 hrs to 1800 hrs

**3.0 Summary of Variation Application**

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

- (1) Vary the operating plan and layout plan to relocate the visitors centre, shop and tasting room to a permanent building and cease use of the temporary facilities.
- (2) Amend description of the premises.
- (3) Vary the operating plan to add to other activities: music, live performances, whisky tastings and distillery branded goods for sale during and outwith licensed hours.
- (4) Amend Children and Young Persons terms of entry.
- (5) Reduce capacity from 12m<sup>2</sup> to 8.4m<sup>2</sup>.

## **4.0 Background**

- 4.1 On 21 May 2015 the Licensing Board received an application for a major variation of a Premises Licence from Diageo Scotland Limited.
- 4.2 The application was publicised during the period 29 May to 19 June 2015 and confirmation that the site notice was displayed has been received.
- 4.3 No notices of objection to the application or representations have been received.
- 4.4 In accordance with standard procedure, Police Scotland, Highlands and Islands Fire and Rescue Service, the Council's Community Services (Environmental Health), Planning, Building Standards were consulted on the application.

No objections or representations have been received from these consultees.

- 4.5 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.6 The applicant has been invited to attend the Hearing and has been advised of the procedure which will be followed at the meeting.

## **5.0 Legislation**

- 5.1 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. having regard to the number and capacity of (i) licensed premises of the same or similar description as the subject premises (taking account of the proposed variation), in the locality in which the subject premises are situated, the Board considers that, if the application were to be granted, there would, as a result, be over provision of licensed premises or licensed premises of that description in the locality.
- 5.2 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.

If the Board refuses 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.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

6.2 Following a refurbishment the applicant has resumed use of the visitor centre and shop within the main administration block at the distillery and has ceased use of the temporary premises.

6.3 The amendments to the activities and services provided are reasonable and appropriate for the premises and should not conflict with any of the licensing objectives. The reduction in capacity does not conflict with the Board's policy on overprovision.

## **7.0 HLB Local Policies**

The following policies are relevant to the application:-

- (i) Highland Licensing Board Policy Hours
- (ii) Highland Licensing Board Policy Statement 2013-16
- (iii) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory Conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **8.2 Local Conditions**

There are no existing local conditions and none is considered necessary.

### **8.3 Special Condition**

The existing special condition, imposed in connection with the operation of the temporary premises, is no longer relevant and can now be removed.

## **Recommendation**

The Board is invited to determine the above application and, if minded to grant, agree to remove the existing special condition in connection with the operation of the temporary premises.

Designation: Clerk of the Highland Licensing Board

Reference: HC/CSER/0857

Date: 24 June 2015

Author: L Gunn

Background Papers: The Licensing (Scotland) Act 2005