

The Highland Licensing Board

Meeting – 26 June 2018

Agenda Item	9.13
Report No	HLB/075/18

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 premises licence by Diageo Scotland Limited.

1.0 Description of premises

1.1 Single storey detached distillery visitor centre offering tours, tastings and off sales.

2.0 Current operating hours

2.1 The premises currently enjoys the following 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 Variation sought

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

(1) Increase on sales licensed hours on Monday to Sunday from 0900 hrs to 2300 hrs.

(2) Increase off sales licensed hours on Monday to Sunday to 1000 hrs to 2200 hrs.

(3) Amend list of activities and services during and outwith core hours to include restaurant facilities, receptions, meetings, theatre and films.

(4) Include wording in 5 to describe activities outwith core hours.

(5) Add other activities to include references to visitor centre activities, private events, retail activities, a range of office and administrative activities and that mail, internet and telephone orders may be taken and goods despatched from the premises.

(6) Revised wording in relation to admission of children and young persons.

(7) Inclusion of on sale capacity of 81 persons.

(8) Add wording to seasonal variation.

(9) Amendment to layout plan.

(10) Inclusion of entire building as part of the licensed premises.

4.0 Background

4.1 On 11 May 2018 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 16 May 2018 until 6 June 2018 and confirmation that the site notice was displayed has been received.

4.3 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.

4.4 Notification of the application was also sent to NHS Highland and the local Community Council.

4.5 Further to this publication and consultation process, no timeous objections or representations have been received.

4.6 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:

http://highland.gov.uk/hlb_hearings

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. 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.

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 relates 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 Arising from an increase in business the applicant has carried out a review of their current operation as a distillery visitor attraction and now applies to amend the licensed hours for on-sales to commence at 0900 hrs and terminate at 2300 hrs daily, a period of 14 hours.

6.3 Highland Licensing Board policy hours for on-sales generally commence at 1100 hrs on any day. Tours of the distillery commence prior to 1100 hrs and the applicant applies to sell on-sales from 0900 hrs to cater for, mainly, bookings for cruise ship passengers and organised tours. There is precedent for the grant of such hours for other distillery premises and each case is considered on its own merits. I am of the opinion that the earlier commencement hour for on-sales will not conflict with any of the licensing objectives.

6.4 The other variations sought are reasonable and appropriate for this type of visitor attraction business. The revision of the wording for the terms of entry for children and young persons does not change the existing practices.

6.5 I am satisfied that the applicant has given full consideration to the licensing objectives and I have no cause to object to the variation of the premises licence.

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-18

- (2) Highland Licensing Board Equality Strategy
- (3) Highland Licensing Board Policy Hours

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

Existing local conditions will continue to apply and no additional local conditions are considered necessary.

8.3 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/CSR/0857

Date: 8 June 2018

Author: L Gunn

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