

The Highland Licensing Board

Meeting – 28 October 2025

Agenda Item	8.8
Report No	HLB/86/25

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

Clynelish and Brora Distillery, Brora

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 The premises are Distillery Visitor Centres at Brora and Clynelish Distilleries, being a two storey visitor centre at Clynelish Distillery and four areas at the Brora Distillery with external areas adjacent to both sites.

2.0 Summary of variation application

2.1 Variation sought

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

- (1) Replacement of local condition relating to consumption of alcohol before core on sale hours for tasting sessions.
- (2) Add to activities to include bar meals, gaming and televised sports.
- (3) Add to and amend any other activities.
- (4) Increase off sale capacity to 28.585 m² for Clynelish and 14.979 m² for Brora.
- (5) Change to layout in retail area and detail of display areas in Clynelish retail area.
- (6) Changes in display areas in Brora buildings A & B to include removal of some areas.

3.0 Background

- 3.1 On 12 September 2025 the Licensing Board received an application for a major variation of a premises licence from Diageo Scotland Limited.
- 3.2 The application was publicised during the period 17 September to 8 October 2025 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:

https://www.highland.gov.uk/downloads/file/6399/licensing_hearings_procedure/licensing_board

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.
- 4.2 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.
- 4.3 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.
- 4.4 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.

4.5 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.

5.0 Overprovision policy

5.1 In terms of the Board's overprovision policy, there is a rebuttable presumption against the grant of variation of a premises licence where, in the case of licensed premises with existing off sales capacity in excess of 30m², the grant of any variation sought would result in an increase in that off-sales capacity.

5.2 Each application will still require to be determined on its merits and the Board accordingly reserves the right to grant such an application where it considers that the licensing objectives would not be undermined by the specific proposals set out in the application, or that those objectives would not be undermined if the applicant's operating plan were to be modified or the grant of the licence made subject to appropriate conditions, and that no ground of refusal other than overprovision would apply.

5.3 However, it will be for the applicant to demonstrate to the Board, by providing robust and reliable evidence, that the grant of the application would not undermine the licensing objectives or that the benefits in granting the application outweigh the Board's overprovision policy.

5.4 The aim of the Board's overprovision policy is to promote the licensing objective of protecting and improving public health. To that end, the policy aims to reduce the number of premises with larger-scale off sales display areas, and not simply to prevent their further proliferation in the Board's area.

6.0 Licensing Standards Officer

6.1 The LSO has provided the following comments:-

- (i) Application is sought for a major variation to add to alcohol display areas; addition of activities and services provided at the distillery and change to special condition.
- (ii) The installation of this display shelving will result in an overall increase in off sales capacity from the current 39.61m² to 43.564m².
- (iii) Whilst this increase in capacity sits outwith the current Highland Licensing Board policy, the requested application for increase in capacity relates to a very specialised product and not general alcohol merchandise, sold in a unique way likely to appeal mainly to whisky enthusiasts as opposed to off sales purchases made in larger multiple grocery stores. The latter tend to offer the greatest availability, accessibility and affordability of alcohol in single locations which are deemed to remain the key factors affecting patterns of alcohol consumption.

- (iv) Application is sought to replace the current wording of the special condition attached to the licence and replace with wording as detailed at Section 8.3. This wording has previously been approved by the Highland Licensing Board and is attached as a condition to several other distilleries across the board area.
- (v) Application is sought for minor amendments to the layout plans within the retail area and external area and suitable layout plans detailing said amendments have been submitted with this application.
- (vi) The LSO is of the opinion, that none of the changes to the operating plan affect the licensing objectives.
- (vii) The operating history has been incident free and visits by the LSO have shown the operators to be compliant with the terms and conditions of their licence.
- (viii) Following the public consultation phase of this application no objections or representations have been received by the Board

7.0 HLB local policies

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2023-28
- (2) 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

No local conditions are considered necessary.

8.3 Special Conditions

Existing local condition to be amended:

Alcohol for consumption on the premises prior to 1000 hrs on any day may only be sold to persons participating in a formal tasting or sampling session, or to such persons following on from their participation in a formal tasting or sampling session, and a notice to that effect will be displayed on the premises.

Recommendation

The Board is invited to determine the above application and if minded to grant the application, to agree the amended special condition detailed at para 8.3 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/0857
Date: 14 October 2025
Author: L Gunn

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