

## The Highland Licensing Board

Meeting – 29 March 2016

Agenda Item	7.4
Report No	HLB/024/16

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

GlenWyvis Distillery Ltd, Glenwyvis Farm House, Upper Docharty, Dingwall, IV15 9UF

#### 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 GlenWyvis Distillery Ltd, Glenwyvis Farm House, Upper Docharty, Dingwall, IV15 9UF

#### 1.0 Description of Premises

1.1 GlenWyvis Distillery office occupies two rooms on the upper floor of Glenwyvis farm house. The rooms comprise of an office space and a board room facility. Alcohol is sold for distribution off the premises and on occasion the board room will be used for on-sales.

#### 2.0 Operating Hours

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

**On sales:**

Monday to Sunday: 1100 hours to 2200 hours

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

**Off sales:**

Monday to Sunday: 1000 hours to 2200 hours

#### 3.0 Background

3.1 On 10 February 2016 the Licensing Board received an application for the grant of a premises licence from GlenWyvis Distillery Ltd.

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 12 February 2016 until 4 March 2016 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:

[http://www.highland.gov.uk/downloads/download/428/liquor\\_licence\\_objections\\_appeals\\_notices\\_of\\_determination](http://www.highland.gov.uk/downloads/download/428/liquor_licence_objections_appeals_notices_of_determination)

#### **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 grant of the application would be inconsistent with one or more of the licensing objectives;
3. 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
4. that having regard to the number and capacity of licensed premises of the same or similar description in the locality, the Board considers that if the application were to be granted, there would, as a result, be overprovision of licensed premises of that description 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:-

- (i) The applicant company has plans to construct a small whisky distillery on the outskirts of Dingwall within the grounds of a working farm and adjacent to the dwelling house known as Glenwyvis Farm House. The distillation and sale of gin is also planned. Until works are completed business will be conducted within an office-come-boardroom on the first floor of the farm house.
- (ii) The application is therefore in respect of only the office-come-boardroom at Glenwyvis Farm House and an area outside the farm house which has been identified as an outdoor drinking area for use at corporate events and for tastings.
- (iii) The premises are not entered on the valuation roll and it is my understanding there are plans to develop the distillery site to include office and visitor facilities at which time this licence will be surrendered and an application lodged for a premises licence on the developed site.
- (iv) The application is for both on and off-sales. Until such time as alcohol is produced on the site alcohol for on and off-sales will be sourced from elsewhere. There is no bar counter on the premises and off-sales will be dispensed from a stock room.  
There is no accessible display of alcohol for off-sales and the capacity is therefore recorded as nil.
- (v) On-sales of alcohol will be linked only to tastings, product promotion and investor relations. Entry to the premises will be by prior arrangement or invitation. The Area Planning Manager has been consulted and is content that the proposed operation does not conflict with a planning requirement that there are no direct sales to the general public from the premises.
- (vi) The licensed hours applied for are within policy for both on and off-sales premises and the activities or services to be provided are appropriate for the specified operation. It is not considered necessary to recommend any condition restricting use of the outdoor drinking area.

## **6.0 HLB Local Policies**

6.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2013-16
- (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 Condition**

Entry to the premises is restricted to persons who have been invited onto the premises by prior arrangement or have pre-booked a visit to the premises.

### **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/RSL/3999

Date: 8 March 2016

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