

## The Highland Licensing Board

Meeting – 14 June 2016

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|-------------|------------|
| Agenda Item | 7.3        |
| Report No   | HLB/049/16 |

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

Visitors Centre, Balmenach Distillery, Cromdale, Grantown on Spey, PH26 3PF

#### 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 Visitors Centre, Balmenach Distillery, Cromdale, Grantown on Spey, PH26 3PF.

#### 1.0 Description of premises

1.1 The Visitors Centre, Balmenach Distillery is situated near to the village of Cromdale in rural Speyside, and consists of meeting and tasting rooms open to the public.

#### 2.0 Operating hours

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

**Off sales:**

Monday to Saturday: 1000 hrs to 2200 hrs

#### 3.0 Background

3.1 On 4 April 2016 the Licensing Board received an application for the grant of a premises licence from Derek Sinclair, Distilleries General Manager, 10 Cromlet Park, Invergordon, IV18 0RN per Grigor & Young, No. 1 North Street, Elgin, IV30 1UA.

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 11 April until 2 May 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) Balmenach Distillery is situated near to the village of Cromdale in rural Speyside. The distillery makes malt whisky as well as gin.

(ii) Application has been made to provide off sales to members of the public and two areas of the distillery have been converted in order to provide tasting rooms and off sales, namely; a tasting room and a meeting room both specifically designed to receive visitors. The premises have been visited by the LSO in the course of this application. The premises are well appointed and very suitable for the sale of alcohol in the manner described within the operating plan.

(iii) The hours requested are in line with those allowed for off sales within the Licensing (Scotland) Act 2005 and Highland Licensing Board Policy. The necessary Section 50 certificates pertaining to Planning, Building Standards and Food Hygiene have been submitted as have a competent set of layout plans.

(iv) The licence has been applied for at a category 1 tariff and following a site visit the LSO is satisfied this is an accurate reflection of the proposed operation, as there is a dedicated distillery tour giving information on the distillation process, and the history of the distillery. The tour is hosted by dedicated tour guides and any sales are solely by off sales. The tours and visitor centre will be appropriately advertised through Visit Scotland and other popular tourist media.

(v) Should the Highland Licensing Board be minded to grant this application, the LSO is of the opinion that no conflict would be occasioned to the licensing objectives.

## **6.0 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 recommended by the LSO.

### 7.3 **Special conditions**

No special conditions are considered necessary.

#### **Recommendation**

The Board is invited to determine the above application.

Reference: HC/592

Date: 24 May 2016

Author: Marjory Bain

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